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KENTUCKY
COURT of JUSTICE

1983-1984
ANNUAL REPORT

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This is a report of the business of the Kentucky Court of Justice, for Fiscal Year 1983-84.

In addition to a report of the general business of the courts and relative statistical information, special emphasis has been placed on those programs and projects which have been improved, expanded or otherwise enhanced. Included are sections dealing with regional administration, revision of the Kentucky Rules of Court, judicial education and public information, expansion of the courts' data processing capabilities, the circuit court caseload weighting project, and economical litigation projects.

The delivery of justice is dependent not only upon the judges and juries who serve the public so impartially, but also upon the circuit clerks and other court-support personnel who perform their duties with diligence and dedication.

Without their contributions, this report would not have been possible.

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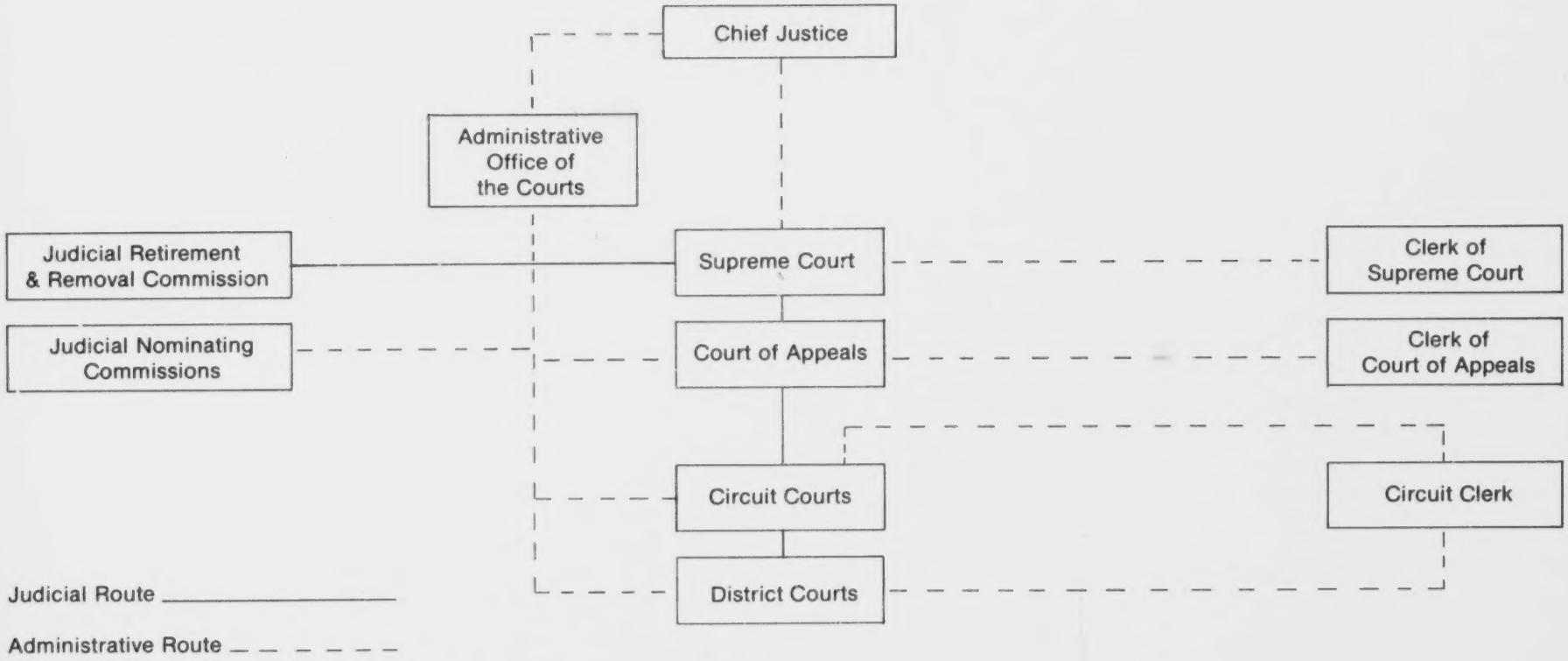
KENTUCKY COURT OF JUSTICE



IN MEMORIAM

District Judge Samuel S. Cannon

District Judge Samuel S. Cannon died November 7, 1983 after a long battle with cancer. He was 66.

A Corbin native, Judge Cannon was elected district judge for McCreary and Whitley Counties, the 34th Judicial District, in 1977. He was a graduate of the University of Kentucky and received his law degree from the University of Louisville. During his professional career, he served as an investigator for the U.S. Civil Service Commission, in the U.S. Army Counter Intelligence Corps during World War II, and with the Foreign Claims Settlement Commission in Washington, D.C. He was also Corbin city attorney from 1948 to 1949, and again from 1962 until becoming district judge.

Until 1980, when the General Assembly awarded an additional district judgeship to the 34th Judicial District, Judge Cannon alone bore the weight of one of the heaviest caseloads in the state. He was instrumental in encouraging the state to establish a district court in Corbin, which subsequently was a major factor in construction of a new city hall.

The judge's sense of duty and dedicated service did not wane with his illness. Despite obvious pain, he continued to hear cases until he was physically unable to do so.

Judge Cannon is survived by his wife, Dorothy, and sister, Martha Jean Evans of Corbin

District Judge William F. Bennett

Daviess District Judge William F. Bennett, 65, died February 4, 1984, three months after resigning his position for health reasons. He had been a judge in various Owensboro courts since 1962.

A native of Owensboro, Judge Bennett received his law degree from Cumberland University in 1942. After serving for three years in the Navy, he began private law practice. He was named assistant Daviess county attorney in 1954 and held that position until 1958.

Judge Bennett became juvenile court judge in 1962, then moved to city police court in 1969. Nine years later, he was elected district judge of the 6th Judicial District and served as chief judge.

He was a member of the state bar, as well as the Daviess County Bar Association which honored him, a past president, for his contributions to the legal community. The judge was also an associate member of the National District Attorneys Association.

As a member of the Benevolent Protective Order of Elks Lodge 144, he had served as exalted ruler. He was chairman of the St. Jude Fund Drive, president of the Navy League, and served on the board of directors of the Daviess County Fish and Game Association.

The judge is survived by his wife, Helen Marie Bennett, two daughters, five grandsons, and a brother.

Circuit Court Clerk Cecil McMillin

After 46 years as Washington County Circuit Court Clerk, Cecil McMillion died April 20, 1984 at the age of 73. Mr. McMillion was considered to be the oldest acting circuit clerk in the state, having held the office from December 1, 1937 until his death.

The Washington County native attended Eastern Kentucky Teachers' College and Western Kentucky Teachers' College, then taught school from 1930 to 1937. For several years during his career, Mr. McMillin served as Washington County's master commissioner.

He was a member of the Senior Citizens Advisory Board and chairman of the county's Democratic party, a position he held several times. He was commissioned a Kentucky Colonel by four governors – first by Governor Earl Clements, second by Governor Lawrence Weatherby, the third time by Governor Bert Combs, and finally a fourth time by Governor Julian Carroll.

A Mason for 46 years, he served as past master of Masonic Lodge F & M in Springfield and was secretary for 18 years. He was a charter member of the Springfield Lions Club and served on the board of directors. He was deacon and treasurer of the Springfield Christian Church and a past board member of St. Catherine College.

Circuit Clerk McMillion is survived by his wife, Edith Brown McMillin, two sons, three grandchildren, a brother and three sisters.

KENTUCKY'S JUDICIAL SYSTEM

1792-1984
A Historical Perspective

The original Green County Courthouse, built in the early 1800's and in use until 1932, is considered the oldest one standing west of the Allegheny Mountains. Photo from the University of Louisville Photographic Archives, Caufield & Shook Collection

At the general election in November 1975, the electorate of Kentucky gave its consent to a new direction for the court system of the Commonwealth by adopting a constitutional amendment, to revise the judicial article. Under the constitutional amendment, the previously fragmented system with its large number of part-time, non-lawyer judges and overlapping jurisdictions was replaced by a unified Court of Justice.

Kentucky's first Constitution was adopted at Danville in April 1792, when Congress granted statehood. The judicial article of the 1792 Constitution was patterned after that of Virginia, in order to provide an orderly transition and transfer of cases pending in Virginia courts. The judicial power of the Commonwealth was vested in one supreme court, known as the Court of Appeals, and such inferior courts as deemed necessary by the legislature. A "competent number" of justices of the peace were mandated to be appointed in each county. All judges were appointed by the Governor and could be removed for reasonable cause by the process of impeachment or by address of the Governor to two-thirds of each House of the General Assembly.

The Court of Appeals consisted of three judges appointed state-at-large to serve "during good behavior." Two judges constituted a court and the court met twice a year at Lexington. The Court of Appeals had orgiinal and final jurisdiction in all cases relating to titles of land under the laws governing Virginia at that time, and those cases were tried by jury unless waived by both parties. No appeals from inferior courts were granted unless addressed by petition and issuance of certiorari.

Each judge of the Court of Appeals was instructed by the Constitution to deliver his opinion in open court and in writing; the parties were obliged to state their complaint and defense in writing; and dissenting opinions were required to be in writing. All these provisions were designed to "perpetuate the testimony." The court also had the power to direct the mode of bringing these land cases to a hearing, "so as to enable them to do right and justice to the parties, with as little delay and at as small an expense as the nature of the business will allow."

In all other cases, the Court of Appeals had appellate jurisdiction only, with the legislature granted broad powers to make exceptions and regulations. The court had

legislative authority to appoint its clerk.

Pursuant to constitutional provisions empowering the legislature to establish inferior courts, an act was passed during the first session of the General Assembly which provided for appiontment of 125 justices of the peace to serve as judicial officers. In the 13 existing counties a Court of Quarter-Sessions was established in each county, and three of the justices of the peace in each county served on the court. Its jurisdiction was primarily civil, but it had the power to award necessary writs and injunctions. County court was created and presided over by three justices, and its jurisdiction was largely administrative in nature. All criminal jurisdiction was vested in a Court of Oyer and Terminer, which was presided over by three judges who had state-wide jurisdiction.

An act of 1795 reorganized the first trial court structure by terminating the original jurisdiction of the Court of Appeals in land cases and abolishing the Court of Oyer and Terminer. It was replaced by a system of District Courts of general civil and criminal jurisdiction, with all criminal cases heared by the Franklin District Court. In order to unify the District Courts to some extent, a General Court was established and instructed to meet periodically at Frankfort to decide cases "for and in behalf of the Commonwealth."

A convention was called in 1799 and a new Constitution was adopted in August of that year. The new document retained most of the provisions of the previous judicial article, but gave constitutional status to the county courts which had been created by the legislature.

In addition, the Court of Appeals was granted appeallate jurisdiction only, co-extensive with the state, under restrictions and regulations prescribed by law. Judges of the Court of Appeals were appointed by the Governor, and could be removed for good cause by impeachment or by the Governor on address of two-thirds of each House of the General Assembly. Judges and justices of the peace, by virtue of their office, were "conservators of the peace throughout the state."

County courts were composed of the justices of the peace presiding in each county. County court was given constitutional authority to recommend, with the concurrence of a majority of its justices of the peace, two persons to fill the offices of sheriff, surveyor, coroner or justice of the peace, one of whom was appointed by the Governor. Each court could appoint its own clerk; however, no person could be appointed who could not produce to the judges of the Court of Appeals, that he had been examined by their clerk and found qualified. Clerks of court could be removed for breach of good behavior by the members of the Court of Appeals only who "shall be judges of the fact as well as of the law" and two-thirds of whom shall have concurred in the sentence.

Until 1802, no changes were made in the general trial court structure that had been authorized by the legislature during the tenure of the first constitution. However, realizing that the District Court system could no longer effectively handle the increasing caseload, the General Assembly reorganized the trial courts into a system of Circuit Courts. The District Courts were abolished and the old General Court was abolished and re-enacted. Nine state-at-large circuit judges were appointed to serve in each of the nine judicial districts. General Court assigned each of its members to a district to serve as presiding judge and two assistant judges were appointed from that district.

In 1824, the legislature attempted to abolish the Court of Appeals. A controversy characterized as the "Old Court-New Court Struggle" arose, and the General Assembly enacted legislation to abolish the Court of Appeals and establish an appellate court of its own. "An Act to reorganize the Court of Appeals" was passed and signed by the Governor, who appointed judges sympathetic to his beliefs. The "old court" refused to recognize the "new court," and for a period of two years both courts held sessions. In 1826, a new legislature was elected which repealed the "Act to reorganize the Court of Appeals" and passed "An Act to remove the unconstitutional obstructions which have been thrown in the way of the Court of Appeals," thus reinstating the constitutional court.

The third Constitution of Kentucky was adopted in June 1850. A total reorganization of the judicial department was undertaken, and courts which had previously been created by acts of the legislature were given constitutional authority. This document preserved the separation of powers of the three departments of government and provided Kentucky with its first structured court system. The judicial power of the Commonwealth was vested in the Court of Appeals, circuit courts, county courts, and such other inferior courts as the General Assembly should establish and erect.

The Court of Appeals was granted appellate jurisdiction only, co-extensive with the state, restricted and regulated by law. The court consisted of four judges, and three of whom could constitute a court for the transaction of business. The 1850 Constitution mandated, for the first time in the history of the Commonwealth, election of judges rather than appointment. Judges were elected for a term of eight years from four equally divided judicial districts. Because all of the judges were initially elected at the same time, and in order to stagger their terms, one term was two years, one four years, one six years and one eight years. The judges elected then drew lots to determine which judge served which term. The judge having the shortest time to serve was designated as the Chief Justice of Kentucky.

The Court of Appeals was to hold its sessions at the seat of government, except that the General Assembly could direct that the court hold its sessions in any one or more of the judicial districts.

The office of the Clerk of the Court of Appeals was established as an elective office, for a term of eight years. The 1850 Constitution further provided that if the General Assembly should determine that court should be held in any one of the judicial districts, that the voters of that district would elect a clerk possessing the same qualifications as the Clerk of the Court of Appeals. Any candidate for the office had to produce a certificate from a judge of the Court of Appeals or a judge of the Circuit Court that he had been examined by the court and was qualified for the office.

The General Assembly could also provide for a special judge to constitute a court in the event of disqualification of any of the elected judges.

Circuit courts were established to be held in each county, with the state initially divided into 12 judicial districts which could be increased to not more than 16 at the discretion of the General Assembly. Jurisdiction of the circuit courts was set by the legislature, who also had the power to change, alter or modify the right of appeal to the Court of Appeals. The General Court was abolished, producing a system of circuit courts which had no centralized coordinating feature, and resulting in trial courts which were virtually autonomous on nature. However, the legislature specified that cases involving the Commonwealth would continue to be heard in Franklin Circuit Court.

In 1882, under its authority to create inferior courts, the General Assembly created an intermediate appellate court, known as the Superior Court, to reduce an accumulated backlog of 1300 cases. The Superior Court consisted of three judges who had jurisdiction in all appeals except those involving: (1) the validity of statutes; (2) title to a freehold or right to a franchise; (3) felonies; and (4) judgments where the amount in controversy was more than $3,000. The two appellate courts became known as the "Rich Man's Court" and the "Poor Man's Court," and set off a bitter debate that lasted through the Constitutional convention of 1890. Although opponents to the Superior Court won their battle and eventually succeeded in abolishing the intermediate court, its purpose was accomplished. The backlog of cases on appeal was successfully reduced.

The Constitutional Convention of 1890 created the judicial system with which most Kentuckians are familiar. The structure was highly restrictive, as a result of the furious debates over the power of the General Assembly to create courts in addition to those empowered by the Constitution.

The judicial article provided for a Court of Appeals consisting of seven judges to be elected for a term of eight years, one from each of seven appealate districts. Ironically, opponents to an intermediate appeallate court argued that it was not necessary to have three additional judges at that level to decide appeals, yet the number of Court of Appeals judges was increased from four to seven. The court had jurisdiction to review final orders and judgments of all courts except those: (1) granting a divorce or punishing a contempt; (2) of a Quarterly, Police, Fiscal or Justice's Court; (3) of a County Court unless the action was for division of land and allotment of dower; and (4) involving bonds having the force of judgments. Although a monetary limitation of $100 precluded appeals following the adoption of the 1891 Constitution, this limit was raised over the years. By 1975, when the new judicial article was ratified, the minimum monetary limit on appealable cases was $200, but only upon petition. Appeals as a matter of right were allowed where the amount in controversy was $2,500 or more.

The Constitution established circuit court in each county, with the state divided into circuit court

districts. The number of districts increased during the succeeding years from 30 to 56, and the terms of judges were regulated by statute. The circuit courts had original jurisdiction of all cases not vested exclusively in some other court, and appeallate jurisdiction to try de novo appeals from the inferior courts.

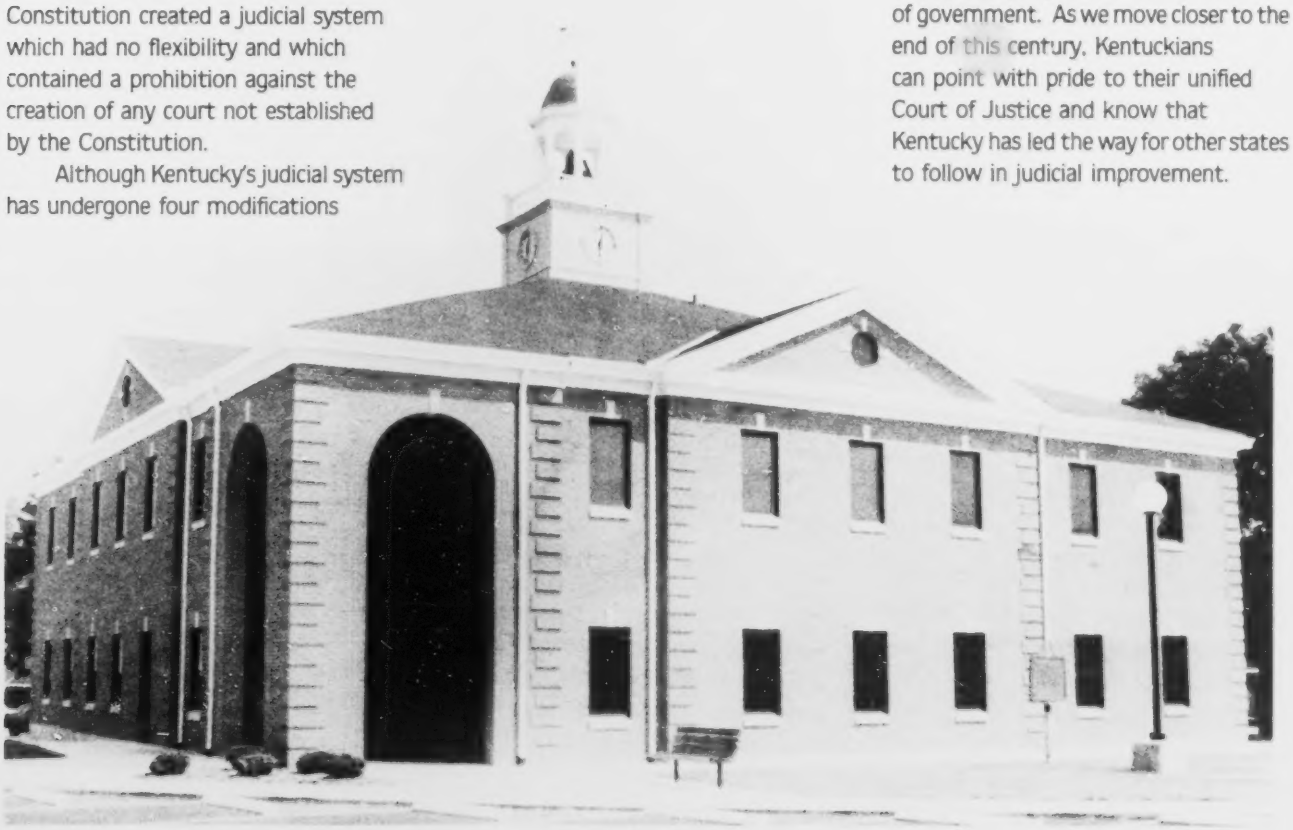
In each county a group of lower courts was created consisting of from three to eight Justice of the Peace Courts, a County Court, a Fiscal Court, a Quarterly Court, and city Police Courts, all given overlapping or concurrent jurisdiction, both civil and criminal, by the General Assembly.

The framers of the 1891 Constitution created a judicial system which had no flexibility and which contained a prohibition against the creation of any court not established by the Constitution.

Although Kentucky's judicial system has undergone four modifications through the Constitutional Convention process which revised the entire document, the most dramatic change in state and local government ever experienced in the Commonwealth has resulted from one constitutional amendment—the judicial amendment of 1975.

The Judicial Article now contained in the Kentucky Constitution provides for a unified court system fully funded by the state. Although judges and clerks remain locally elected, they are state officials and the courts are unified for purposes of administration under one Court of Justice. The Judicial Article not only provides for four levels of courts, the Supreme Court, the Court of Appeals, the Circuit Courts, and the District Courts, but includes provisions for Judicial Nominating Commissions to fill vacancies, and for a Judicial Retirement and Removal Commission to insure the proper conduct of the judiciary.

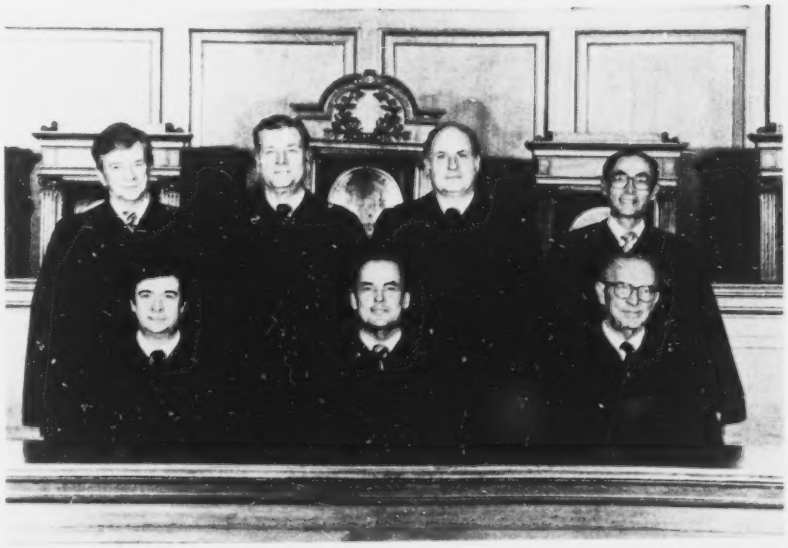
This historical review of Kentucky's court system was initially presented in the first Annual Report of the new judicial system in 1976. Its repetition here is in response to the many inquiries received by the Administrative Office of the Courts. It does not describe the atmosphere which brought about the change, but should serve as an example of progressive modification of government. As we move closer to the end of this century, Kentuckians can point with pride to their unified Court of Justice and know that Kentucky has led the way for other states to follow in judicial improvement.



The new Clinton County courthouse, located in Albany, was dedicated in October 1983. Photo from Clinton County News

The Judicial Article of the Kentucky Constitution provides for one unified Court of Justice, consisting of four courts: The Supreme Court, the Commonwealth's court of last resort; the Court of Appeals, an intermediate appellate court; the Circuit Courts, courts of general trial jurisdiction; and the District Courts, courts of limited jurisdiction.

The Court of Justice is unified for purposes of administration, with the Chief Justice having executive and administrative authority over the entire system. The Administrative Office of the Courts, created by statute, serves as staff to provide assistance in the performance of the administrative functions of the Supreme Court.



The Supreme Court

(Front row): Justice J. Calvin Aker; Chief Justice Robert F. Stephens; and Justice James B. Stephenson. (Back row): Justice William M. Gant; Justice Roy N. Vance; Justice Donald C. Wintersheimer; and Justice Charles M. Leibson.

THE SUPREME COURT

Organization

The Supreme Court consists of seven justices, one elected from each of the seven appellate districts. A majority constitutes a quorum for the transaction of business. A Chief Justice, elected for a term of four years by his fellow members, presides over the Court and has administrative authority over the entire Court of Justice. The term of office of a Justice of the Supreme Court is eight years, staggered among the seven districts according to statute. Compensation of the justices is determined by the General Assembly.

Jurisdiction

The Supreme Court has appellate jurisdiction only, except it has the power to issue all writs necessary in aid of its appellate jurisdiction. Appeals from a judgment of the circuit court imposing a sentence of death or life imprisonment or imprisonment for 20 years or more are taken directly to the Supreme Court, but other cases of great and immediate importance may be transferred from the Court of Appeals if a motion for transfer is granted. Decisions of the Court of Appeals may be appealed to the Supreme Court if granted a discretionary review as prescribed by rule of court. The Supreme Court has the authority to prescribe rules for the appointment of commissioners and other court personnel and rules of practice and procedure for the Court of Justice. Additionally, the Supreme Court controls admission to the bar and discipline of members of the bar.

Robert F. Stephens
Chief Justice
Fifth Supreme Court District

Chief Justice Stephens is a native of Covington, Kentucky, born in 1927. After serving in the United States Navy during World War II, he graduated from Indiana University, and received his law degree from the University of Kentucky College of Law in 1951. He served as a law clerk for the former Kentucky Court of Appeals for one year. In 1952, he was an attorney for the Kentucky Department of Insurance for one year before entering the private practice of law in Lexington. He was Assistant Fayette County Attorney for five years.

Justice Stephens was elected Fayette County Judge in 1969 and re-elected in 1973. During those terms of office, he was instrumental in the organization of the Kentucky Association of County Officials, holding office at both state and national levels. In 1975, he was elected Attorney General for the Commonwealth of Kentucky, an office he held until his appointment to the Supreme Court in 1979. Voters in the Fifth Supreme Court District elected him in 1980 to complete the term through December 1984. In 1982, he was elected Chief Justice by his Supreme Court associates. The American Judicature Society awarded him its Herbert Harley Award in recognition of his effective administration of justice.

Roy N. Vance
Justice
First Supreme Court District

Born in Paducah, Kentucky in 1921, Justice Vance received an associate degree from Paducah Junior College and his LL. B. from the University of Kentucky College of Law where he was a member of the Order of the Coif. He began practicing law in 1942, served one term as McCracken County Attorney and was Commonwealth's Attorney from 1953-1957. He was a trial commisioner for the McCracken County Court for ten years from 1960-1970.

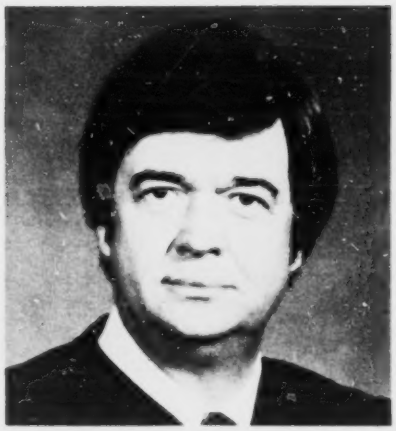
Prior to his 1976 election to the Court of Appeals, Justice Vance served six years as a commissioner for the former Kentucky Court of Appeals. In 1982, he was elected to the Supreme Court, taking office on January 3, 1983.

William M. Gant
Justice
Second Supreme Court District

Justice Gant was born in 1919 in Owensboro, Kentucky. He received an A. B. degree from Transylvania University in 1940 and his LL. B. in 1947 from the University of Kentucky. He served as a juvenile judge for eight years and Commonwealth's Attorney for 14 and one-half years for the 6th Judicial Circuit.

For several years, Justice Gant was a member of the Kentucky Crime Commission, during which time he was a member of the committee which drafted the judicial amendment which restructured the state court system. He served as judge of the Court of Appeals for six years until his election to the Supreme Court for an eight-year term beginning in 1983.

Justice Gant has been the recipient of the Kentucky Alumni Association's Distinguished Service Award; Kentucky Council on Crime and Delinquency Distinguished Service Award; and the R. Haynes Barr Award by the Kentucky Medical Association to the outstanding layman in the field of public health.



J. Calvin Aker
Justice
Third Supreme Court District

Justice Aker, born in 1939, is from Somerset, Kentucky. He attended Eastern Kentucky University where he received a B. S. degree in chemistry and a M. S. in political science. He received his J. D. from the University of Tennessee College of Law in 1969. He taught chemistry, physics and general science at Nicholas County High School before entering the private practice of law, in which he was engaged from 1970 until 1977.

Justice Aker was elected district judge in 1978, and served as such one year prior to his election to the Supreme Court in 1979.

Charles M. Leibson
Justice
Fourth Supreme Court District

Born in 1929, Justice Leibson graduated cum laude from the University of Louisville School of Law in 1952. He practiced privately for 21 years after serving in the U.S. Army as a legal officer for two years. He served as Jefferson Circuit Judge from 1976 until his election to the Supreme Court for an eight-year term beginning in 1983.

Justice Leibson is a member of the University of Louisville School of Law faculty, the International Academy of Trial Lawyers, the Inner Circle of Advocates, the Association of Trial Lawyers of America, and the Kentucky Association of Trial Attorneys. He also served as a faculty member with the Harvard Law School National College of Advocacy, and the National Judicial College, Reno, Nevada. He received the 1980 Judge of the Year Award from the Louisville Bar Association and was chosen the nation's outstanding trial lawyer in 1980 by the Association of Trial Lawyers of America.

Donald C. Wintersheimer
Justice
Sixth Supreme Court District

Justice Wintersheimer was born in Covington, Kentucky in 1932. He received his A. B. from Thomas More College in 1953, his M. A. from Xavier University in 1957, and his J. D. from the University of Cincinnati in 1960. He was admitted to the bar in Kentucky and Ohio, and practiced law until he was elected to the Court of Appeals in 1976. He served on the Court of Appeals until his election to the Supreme Court in 1982 for an eight year term beginning January 3, 1983.

Justice Wintersheimer is a former president of the Thomas More Alumni Association and the Kentucky Municipal Attorneys' Association. He received the Community Service Award from Thomas More College in 1970 and was named Outstanding Teacher in 1973. He is a member of the adjunct faculty at Chase College of Law, and chairman of the Mandatory Continuing Judicial Education Commission.

James B. Stephenson
Justice
Seventh Supreme Court District

Justice Stephenson was born in Greenup, Kentucky in 1916. He received his A. B. in 1938 and his LL. B. degree in 1941 from the University of Kentucky. The justice was a Captain in the United States Air Force during World War II, and during his four years service received seven Battle Stars and was the recipient of a Presidential Unit Citation. Justice Stephenson was engaged in the private practice of law in Pikeville for 17 years until he was elected Circuit Judge of the 35th Judicial Circuit in 1957. He served in that capacity until he was elected to the former Court of Appeals in 1972. Justice Stephenson was re-elected in 1980 to an eight-year term on the Supreme Court.

THE COURT OF APPEALS

Organization

The Court of Appeals consists of 14 judges, two elected from each of the seven appellate districts for a term of eight years. A Chief Judge is elected from among members of the court for a term of four years. The Court of Appeals may divide itself into panels of not less than three judges, a majority of each panel concurring in the decision of a case. The Chief Judge has authority to assign judges to panels and to determine locations within the Commonwealth where each panel shall sit. Panels are chosen on a rotational basis, so that each judge sits with every other judge at least once a year. Cases are assigned to panels by the Chief Judge.

Jurisdiction

The Court of Appeals has appellate jurisdiction only, except that it may be authorized by rule to review directly decisions of administrative agencies of the Commonwealth, and to issue all writs necessary in aid of its appellate jurisdiction. One appeal, as a matter of right, may be taken from a judgment of the circuit court, the court of general trial jurisdiction, to the Court of Appeals. Decisions of the circuit court, when sitting on an appeal from district court, may be appealed to the Court of Appeals if granted a discretionary review as prescribed by rule of court.

Chief Judge John P. Hayes
Court of Appeals of Kentucky

THE CIRCUIT COURT

Organization

The circuit court consists of 91 judges serving in 56 judicial circuits which are determined by law and circuit court is held in each county. Circuit judges are elected for a term of eight years from judicial circuits categorized as follows: one-judge one-county circuits, multi-county one-judge circuits; and multi-judge one-county circuits. In any judicial circuit having only one judge, he is the chief judge. In judicial circuits having more than one judge, a chief judge is elected biennially from among their number. Compensation of circuit judges is set by the legislature.

Jurisdiction

The circuit court is a court of general trial jurisdiction and has original jurisdiction of all justiciable causes not vested in some other court. Jurisdiction in civil cases is limited to those involving an amount in controversy not less than $2500. Its appellate jurisdiction is provided by law, and all appeals are on the record. Review of administrative actions of state agencies constitute an original action and not an appeal.

Judge Thomas B. Spain
President
Kentucky Circuit Judges' Association

Judge William L. Schmaedecke
President
Kentucky District Judges' Association

THE DISTRICT COURT

Organization

The district court consists of 123 judges elected for a term of four years from 56 judicial districts coterminous with the judicial circuits. In any judicial district having only one judge, he is the chief judge. In judicial districts having more than one judge, a chief judge is elected biennially from among their number. In any county in a district in which a district judge does not reside, the Constitution mandates that the district judge shall appoint a resident trial commissioner. District court is held in each county. Compensation of district judges is determined by law.

Jurisdiction

District court is a court of limited jurisdiction. Its civil jurisdiction is limited to cases where the amount in controversy does not exceed $2500, and cases relating to probate and mental health. The Small Claims Division of district court has jurisdiction of cases involving not more than $1,000. It has criminal jurisdiction of misdemeanors, felony preliminary hearings, city and urban-county ordinance cases, traffic matters and certain juvenile cases. The district court may be granted statutory authority to review decisions of administrative boards. The district court is a court of record.

CLERKS OF COURT

The efficiency of the Court of Justice is dependent in large part upon the Clerks of Court. Under the provisions of the Constitution there is a Clerk of the Supreme Court, a Clerk of the Court of Appeals, and a Circuit Court Clerk who serves both the circuit and district courts within each respective circuit.

A necessary adjunct to the appellate and trial courts, the clerks have the responsibility to maintain custody, control and safe storage of court records, to maintain accountability for financial transactions, and to assist the court in the orderly and systematic disposition of court matters.

Clerk of the Supreme Court and the Court of Appeals

From 1850 until December 11, 1979, the Clerk of the Supreme Court (formerly the Court of Appeals) was a statewide elected official. Although Section 114(1) of the Judicial Article of the present Kentucky Constitution provides that "the Supreme Court shall appoint a clerk to serve as it shall determine," the transitional schedule attached to the constitutional amendment adopted in 1975 retained the elected clerk until the expiration of the existing term of office. On that occasion, the Supreme Court appointed its Clerk in accordance with the constitutional provisions. The Clerk of the Court of Appeals, whose appointment is provided for in Section 114(2), was chosen to serve as Clerk of both appellate courts.

The duties and responsibilities of the clerks of the appellate courts are defined by rule of court rather than by statute. Both offices are funded by appropriations to the Court of Justice.

John C. Scott
Clerk
Supreme Court of Kentucky
Court of Appeals of Kentucky

Edward J. Blau
President
Kentucky Circuit Clerks' Association

Circuit Court Clerks

Section 114(3) of the Constitution states that the clerks of the circuit courts shall be elected, and that they shall serve as clerks of the district court. There is one circuit clerk elected in each of Kentucky's 120 counties, for a term of six years, and the number of deputies assigned to each clerk and their respective salaries is regulated by the Administrative Office of the Courts, in conformance with criteria upon which appropriations are made by the General Assembly.

The general duties and responsibilities of the Circuit Clerks are contained in Chapter 30A of the Kentucky Revised Statutes. Specific duties are outlined in the Kentucky Circuit Clerk's Manual, which under Civil Rule 1 and Criminal Rule 1.02 of the Kentucky Supreme Court, has the force and effect of a rule of court.

THE JUDICIAL RETIREMENT AND REMOVAL COMMISSION

Introduction

The Judicial Retirement and Removal Commission operates under Section 121 of the Kentucky Constitution and Supreme Court Rules 4.000 through 4.310. It has jurisdiction over judges of the Supreme Court, Court of Appeals, Circuit Court and District Court, and over complaints against non-judge candidates for judicial office. The composition of the commission is established by Section 121 of the Constitution.

Members of the Commission during FY 1983-84 were:

Mr. Charles Landrum, Jr.
Chairman
Lexington, Kentucky

Judge Paul Gudgel
Court of Appeals
Lexington, Kentucky

Judge N. Mitchell Meade
Circuit Court
Lexington, Kentucky

Judge Charles D. Scott
District Court
Louisville, Kentucky

Ms. Frances Hamilton
West Paducah, Kentucky

Mr. Dennis Dorton
Paintsville, Kentucky

The Commission, in accordance with the rules, has alternate members who serve during such time as a member disqualifies or is otherwise unable to serve or a vacancy exists. The alternate members during the reporting period were as follows:

Mr. Richard Nelson
Covington, Kentucky

Judge John White
Court of Appeals
Lexington, Kentucky

Judge Laurence Higgins
Circuit Court
Louisville, Kentucky

Judge John Adams
District Court
Lexington, Kentucky

Jurisdiction and Authority

The Rules of the Supreme Court adopted October 1, 1976 relating to the jurisdiction and authority of the Retirement and Removal Commission remained unchanged until they were amended effective March 8, 1983.

The amendments give jurisdiction of complaints against non-judge candidates for judicial office to the commission. Until the adoption of the order by the Supreme Court, any disciplinary actions against lawyers seeking judicial office were handled by the Kentucky Bar Association.

The commission has the authority to impose the sanctions, separately or collectively of (1) suspension or disbarment from the practice of law; (2) admonition, private reprimand, public reprimand or censure; (3) suspension without pay or removal or retirement from judicial office, upon any judge of the Court of Justice or lawyer while a candidate for judicial office, who after notice and hearing the Commission finds guilty of any one or more of the following: (1) Misconduct in office; (2) Persistent failure to perform his duties; (3) Incompetence; (4) Habitual intemperence; (5) Violation of The Code of Judicial Conduct, Rule 4.300; (6) Any willful refusal or persistent failure to conform to official policies and directives adopted by the Supreme Court and issued by the Chief Executive Officer of the Court of Justice; (7) Conviction of a crime punishable as a felony.

Finally, under Rule 4.020 (1) (c), the Commission has authority to remove a judge whom it finds to lack the constitutional and statutory qualifications required for the judgeship. Also Rule 4.020 (2) states that an erroneous decision made in good faith shall not be subject to the jurisdiction of the Commission.

Organization and Procedures

The Judicial Retirement and Removal Commission operates independently of the Administrative Office of the Courts. The budget for the Commission is, however, a component of the budget of the Court of Justice and the AOC provides administrative support to the Commission and its limited staff.

Mr. James D. Lawson has served as part-time executive secretary of the Commission since August 1982.

The Commission meets each month, at which time correspondence and complaints are reviewed by members. The Commission has developed a general pattern of inviting judges in for an informal appearance

before authorizing a preliminary investigation when a complaint is received which states allegations within the Commission's jurisdiction. This informal appearance may end the Commission's consideration of a complaint without any type of formal sanction being taken.

Where the situation warrants an investigation, the Commission may authorize a preliminary investigation by one or two part-time investigators employed by the Commission. Before a preliminary investigation is conducted, however, the judge is given notice.

Prior to the initiation of formal charges the judge is given an opportunity to examine all factual information, including the name of the informant, and to supply the Commission with additional information. When formal charges are filed, there is an opportunity to answer the charges and have a formal hearing with right of counsel. Frequently, the Commission employs counsel to present the evidence supporting the charges and generally to handle the hearing for the Commission.

Commission Action

A statistical summary of the matters considered by the Commission during the past year is included on the following page. The number of complaints filed with the Commission increased from 98 in 1982-83 to a total of 109 in 1983-84.

STATISTICAL REPORT
KENTUCKY RETIREMENT AND REMOVAL COMMISSION

Source of Complaints	Year 1983-84
Judges	9
Auxiliary Judicial Personnel	1
Bar Groups	2
Individual Attorneys	13
Litigants or Friends, Relatives, Witnesses	69
Non-Litigating Citizens	8
Public Officials (e.g., Police, D.A.)	3
Court Watchers	0
Commission Initiated	0
Other	4
Total	109

Complaint by Court	Year 1983-84
District Court	49
Circuit Court	45
Trial Commissioner	6
Court of Appeals	1
Supreme Court	2
Lawyer Seeking Judicial Office	6
Total	109

Types of Allegations	
Disagreements w/Judge's Rulings	36
Judicial Temperament, Impatience, etc.	3
Bias, Prejudice	22
Administrative Problem (e.g. Delay)	22
Ex-Parte Communication	0
No Opportunity to be Heard	3
Willful Misconduct in Office, Disregard of Law	8
Off-Bench Misconduct	0
Campaign Violation	13
Judicial Intemperance	1
Judge Practicing Law	1
Total	109

Disposition	
Dismissed (Unfounded, Frivolous)	41
Not Within Commissions Jurisdiction	19
Case Closed	2
Judge Resigned Before Formal Charges Filed	1
Judge Resigned After Formal Charges Filed	0
Judge Retired Before Formal Charges Filed	0
Judge Retired After Formal Charges Filed	0
Case Dismissed After Formal Hearing	0
Case Dismissed After Recommendation for Discipline	0
Private Censure	0
Public Censure	0
Suspension w/o Pay as Final Sanction	0
Fine Imposed	0
Involuntary Retirement	0
Removal From Office	0
Other Disposition	0
Complaints Pending	9
Complaints Resolved After Informal Investigation	46
Informal Appearance	22

RULES OF COURT

Kentucky court procedure is governed by the Rules of Civil Procedure (CR), Rules of Criminal Procedure (RCR), and Rules of the Supreme Court (SCR). When the judicial system was revamped by constitutional amendment in 1976, it became necessary to promulgate an abundance of rules and rules amendments to meet the changing needs of the courts.

For several years subsequent to 1976, rules revisions were made when it became apparent that existing procedural provisions were not applicable to the unified Court of Justice, and to bring the rules into conformity with constitutional and statutory enactments.

Although necessary, the process was unwieldy and it proved difficult to keep the members of the bar informed of the many amendments on a continuing basis.

In an effort to make the practice of law less complicated, the Supreme Court adopted a policy whereby rules changes will be promulgated once annually, on July 1, except in exigent circumstances. In accordance with CR 87, proposed changes may be submitted to the Supreme Court for its consideration by practicing attorneys and laymen.

Rules of Civil Procedure

The Rules of Civil Procedure govern procedure and practice in all actions of a civil nature in the Court of Justice except for special statutory proceedings.

Supreme Court Justice Charles M. Leibson has been appointed by Chief Justice Robert Stephens to chair a committee to consider proposals for civil rules changes. He in turn has appointed a committee of practicing attorneys which meets periodically to review suggestions submitted to the Supreme Court. A report is compiled by the committee which includes its recommendations for rules amendments, and an annual public hearing is held by the Supreme Court on those proposals during the Kentucky Bar Association Convention. Several amendments have been adopted during this reporting period as a result of the committee deliberations.

Justice Leibson and his committee are conducting similar meetings concerning the civil rules in preparation for another public hearing in the spring of 1985.

Members of the Civil Rules Committee are:

Justice Charles M. Leibson, Chairman

Hon. Uhel Barrickman, Glasgow

Hon. E. Andre Busald, Florence

Hon. Frederick Dolt, Louisville

Hon. Joseph Huddleston, Bowling Green

Hon. William E. Johnson, Frankfort

Hon. William R. Mapother, Louisville

Hon. William A. Miller, Jr., Louisville

Hon. William P. Mulloy, Louisville

Hon. Edward Stopher, Louisville

Rules of Criminal Procedure

The Rules of Criminal Procedure govern procedure and practice in all criminal proceedings in the Court of Justice. They are intended to provide for a just determination of every criminal proceeding, and must be construed to secure simplicity in procedure, fairness in administration and the elimination of unjustifiable expense and delay.

Chief Justice Stephens has appointed Supreme Court Justice Roy N. Vance to assume leadership of a committee to consider proposed changes in the Rules of Criminal Procedure. Since the adoption of a massive revision of the entire body of criminal rules took place in 1981, activity in this area has been limited. Justice Vance has appointed a committee to review proposed changes to the Rules of Criminal Procedure. The committee submits its recommendations to the Supreme Court for its deliberation after an annual public hearing is held.

Members of the Criminal Rules Committee are:

Justice Roy N. Vance, Chairman

Hon. Larry S. Roberts, Lexington

Hon. Penny Warren, Frankfort

Hon. Frank W. Heft, Jr., Louisville

Hon. Frank E. Haddad, Jr., Louisville

Hon. William E. Johnson, Frankfort

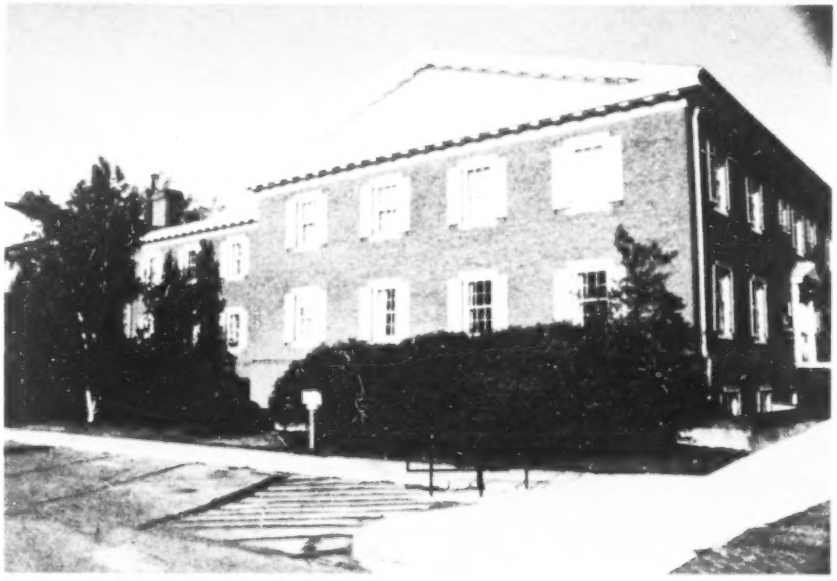
Rules of the Supreme Court

The Rules of the Supreme Court cover matters of policy and administration within the Court of Justice, and govern admission of persons to practice law and the practice of law within the Commonwealth. Rules relating to the Judicial Retirement and Removal Commission, the Judicial Nominating Commissions, and the Judicial Ethics Committee are included, as well as rules for trial commissioners of the Court of Justice.

Justice James B. Stephenson has been appointed by the Chief Justice to review proposed changes to the Rules of the Supreme Court.

THE ADMINISTRATIVE OFFICE OF THE COURTS

The Administrative Office of the Courts, by statute, serves as staff for the Chief Justice of the Kentucky Supreme Court. As executive head of the Court of Justice, the Chief Justice has delegated a majority of the statutory functions to the AOC, whose personnel component is under the administrative authority of Don. P. Cetrulo, Director.



The Administrative Office of the Courts is located in the Bush Building, Frankfort, Kentucky

Pursuant to Section 110(5)(b) of the Constitution the following duties are assigned to the Administrative Office of the Courts under the supervision of its administrative director:

(1) To act as fiscal agent of the Court of Justice, including:

(a) preparation of budget estimates and a budget draft for each biennium;

(b) administration of the budget including the allotment and allocation of all funds;

(c) preaudit and approval of all expenditures;

(d) maintenance of authorized imprest cash funds;

(e) purchase of equipment, supplies and services;

(f) storage and disbursement of equipment and supplies;

(g) repair and maintenance of equipment;

(2) To maintain under its direct control data processing equipment and facilities and other information gathering systems for the purpose of:

(a) publishing statistical and status reports on the operation of the courts;

(b) evaluating special projects conducted under the auspices of the court;

(c) operating case management, and other data processing systems.

(3) To administer the local court facilities program;

(4) To administer the personnel policies of the Court of Justice and process all personnel actions and payrolls for the Court of Justice;

(5) To prepare, publish and print forms and manuals for the court and print stationery and other materials;

(6) To provide support for the regional administration of trial courts, boards and commissions;

(7) To provide educational programs for judges, clerks and support personnel;

(8) To regulate accounting and records practices and procedures;

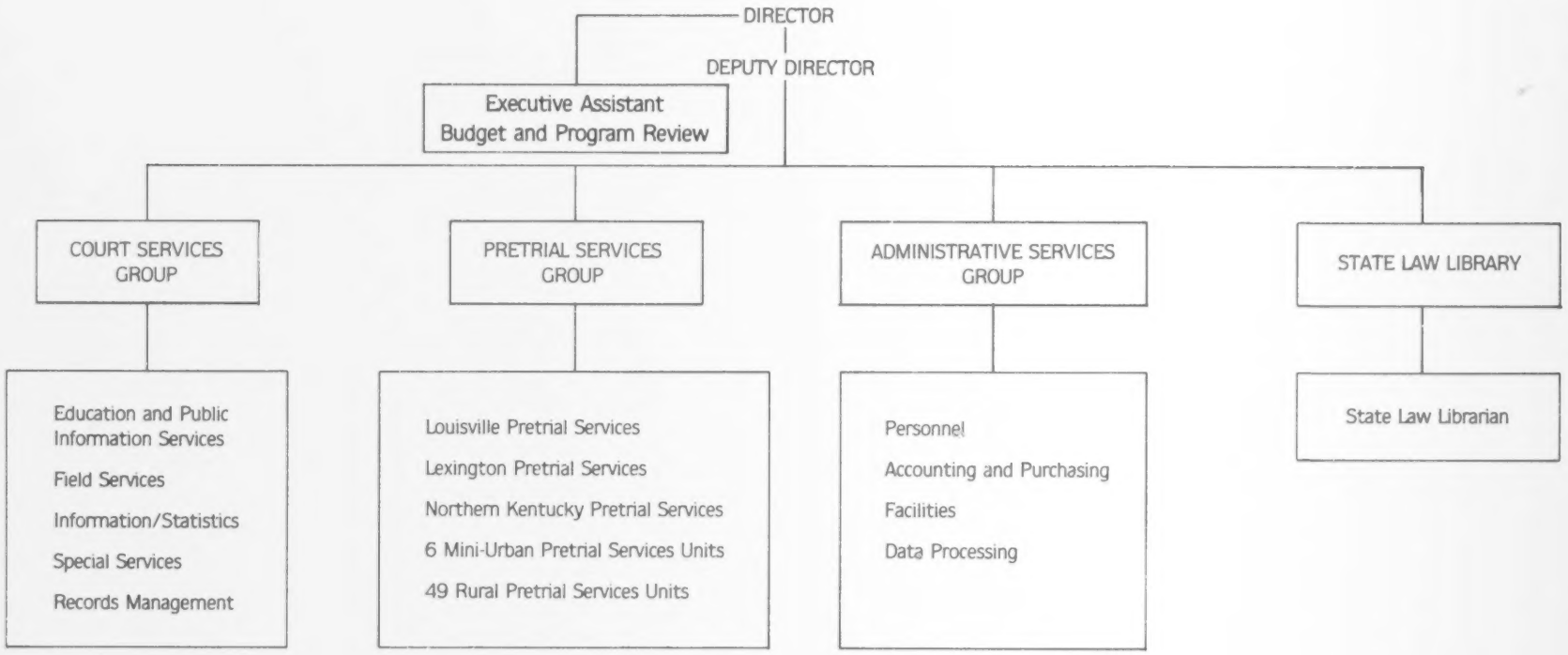
(9) To supervise the state law library;

(10) To administer the pretrial services program;

(11) To perform such other functions as may be directed.

FUNCTIONAL ORGANIZATION

ADMINISTRATIVE OFFICE OF THE COURTS



ADMINISTRATIVE SERVICES

Fiscal matters are handled by the Administrative Services Group which is responsible for payroll processing, purchasing, accounting, court facilities, and logistical support in the areas of furniture, equipment, supplies and printing for the Court of Justice.

The Accounting/Purchasing section receives and approves all expenditures for the Court of Justice, reconciles statements of account on a monthly basis, and provides a unified purchasing system to secure goods and services for offices of the Court of Justice throughout the state. The processing of requisitions for office supplies and forms has been computerized. Continuing efforts are being made to streamline the system in order to achieve a same-day turnaround on the processing time.

The Personnel Section provides the administrative, accounting and clerical services necessary to maintain a work force of approximately 2,100 judicial and non-judicial personnel. Included in the 120 county system are justices and judges, trial commissioners, circuit clerks, deputy clerks, appellate clerks, pretrial release officers, secretaries, official court reporters, trial court administrators, law clerks and the central staff of the Administrative Office of the Courts.

In addition to paycheck preparation and distribution, the personnel section processes workers' compensation claims, assists in recruitment and selection of personnel, evaluates the classification and compensation system, and resolves employee grievances before they reach the formal committee stage. The **Personnel Policies and Procedures Manual** governing non-judicial employees is distributed to all employees.

The efficient management of human resources has become an increasingly critical factor because of severe revenue shortages in the Commonwealth of Kentucky. A newly established automated personnel system has been extremely beneficial in meeting the responsibilities assigned to the Personnel Section.

PERSONNEL DATA
FY 1983-84

Personnel Type	Total Number of Personnel Statewide
Judicial	235
Circuit Clerks	120
Deputy Clerks	1092
AOC	76
Pretrial Services	178
Other Non-Judicial (Court Reporters; Secretaries; Equipment Repair and Forms Printing; Law Clerks; Staff Attorneys; Court Administrators; Jefferson County Data Processing; and Fayette County Data Processing)	488
TOTAL FULL-TIME EQUIVALENT EMPLOYEES	2,189

The Facilities Management Section was originally established to secure court space during the implementation stages of the judicial amendment in 1976. Its responsibilities have been expanded since that time to include management of an operations center.

Legislation was enacted by the Kentucky General Assembly in 1976 and amended in 1978 and 1982 to provide for reimbursement to units of local government for the use of court facilities, and is based on a formula for compensation which utilizes a "use allowance" and an "operational expense allowance."

County courthouses are the primary source of space used by the Court of Justice for courtrooms, judges' chambers and circuit clerks' offices, and payments are funded by a special appropriation from the General Assembly.

Included at the operations center, which occupies 21,600 square feet of space, are (1) a fully equipped print shop with the capability of handling all the printing needs of the court system; (2) a receiving and shipping center which makes daily shipments of supplies and forms to 460 court offices throughout the Commonwealth; (3) a center for receiving, warehousing, and distributing furniture and equipment, and transport as necessary; and (4) a maintenance and repair shop to provide, service and maintain mechanical and electronic equipment in use throughout the state, including court recording equipment.

FIELD SERVICES

A duty assigned to the Administrative Office of the Courts by Section 110(5)(b) of the Kentucky Constitution is to regulate accounting and records practices and procedures. This is done through the Field Services Unit, which is divided into Clerk Services and Accounting Services.

The primary objectives of **Clerk Services** are to assist the courts and circuit clerks in administrative duties. Clerk Services staff are available at any time to take telephone calls and provide assistance in handling daily problems of the clerks or courts.

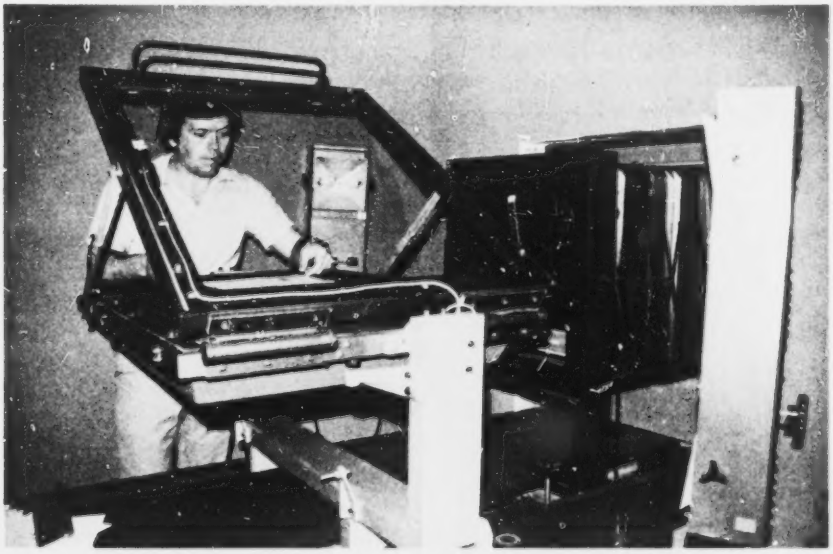
Field representatives make periodic visits to circuit clerks' offices to answer questions or make suggestions on how that office might be more efficiently operated. If circuit clerks wish to make major changes in their offices, a field services team approach is used to make those changes. Temporary staffing is provided in emergency situations to replace deputies or clerks for illnesses or other unscheduled absences.

Clerk Services provides records management to circuit clerks by preparing records for transfer to the State Library and Archives or, when applicable, with record destruction according to the Records and Retention Schedule prepared by the AOC and approved by the state archivist and Chief Justice.

Clerk Services also provides updates to the Circuit Clerks' Manual and changes in Court of Justice forms to comply with new legislation. Assistance is also given in the preparation of educational programs for court personnel.

Accounting Services provides fiscal assistance to circuit court clerks, the largest area of which is in accounting for monies in the custody of the circuit clerks. In FY 1983-84, the circuit clerks paid into the Kentucky State Treasury $41,853,245, representing General Fund and other agency receipts collected by the clerk. In addition, the clerks collected and accounted for third party monies such as bail bonds, restitution, library and county jail fees. The clerk is also custodian of the Jury and Witness Imprest Funds.

A horizontal camera in operation at the Administrative Services' printing facility.



Accounting Services has the responsibility of implementing and updating the Uniform Accounting System used by all clerks. Accounting Services:

(1) continually updates the Uniform Accounting Manual.

(2) monitors internal control procedures to insure proper accounting of funds in the custody of the circuit clerk.

(3) makes periodic routine visits and provides on-site assistance for specific problems as requested by the clerk or judge.

(4) reviews monthly financial reports prepared by the clerks

(5) provides temporary staffing in emergency situations.

Fiscal assistance is also provided through:

(1) the review of Court of Justice forms used in accounting and their revision as necessary.

(2) assisting in the preparation of educational conferences, on-site training, regional meetings and intensive one-week training sessions for newly appointed bookkeepers.

Working closely with state auditors, Accounting Services field representatives assist in auditing circuit court clerks. Accounting Services staff are available to the state auditors to answer questions that may arise during their audit. They are also available at the exit conference and assist in resolving audit findings. During FY 1983-84 the state auditors completed (16) routine audits and issued reports.

STATE LAW LIBRARY

The State Law Library is a professional research library. With a small staff. Funded by the General Assembly as a support service for the Court of Justice, it is not a public library in the sense of a library that renders library services to the public, nor does it provide reference service to persons who are not members of, or employed by, the Court of Justice.

The State Law Library is the central collection of legal literature for the state government. It is available for use by public officials and their staffs, state employees, attorneys, and citizens.

In order to furnish the bench, bar, and others with timely information concerning current legal literature, the State Law Library prepares regular bibliographic features for **Accent On Courts**, which consist of columns concerning the state-court facets of recent federal cases, abstracts of memoranda written by the staff attorney, summaries of Kentucky reports of cases, and occasional summaries of selected articles appearing in legal periodicals and descriptions of newly-published books acquired by the State Law Library.

The readers' services activities of the State Law Library during the 12 months of, July 1, 1983-June 30, 1984, were as follows:

Number of Readers	**5,990**
Items Circulated	**3,287**
Reference Inquiries	**1,801**
Copies Made for Patrons	**4,569**

The State Law Library keeps the law-book collections of the justices and judges of the Court of Justice up-to-date, and furnishes them newly published and additional law books if funds are available. The State Law Library works with the county and other law libraries by rendering assistance upon request to any of the publicly funded law libraries; however, state funds are not used for this purpose.

A staff attorney, with the help of other members of the State Law Library staff, provides professional legal-research assistance to justices and judges who request it. This includes the use of printed materials to which the justices and judges do not otherwise have access, and the Lexis computer. A summary of staff attorney activities for fiscal year 1983-1984 follows:

Number of inquiries received by attorney	**170**
Number of inquiries from previous users	**149**
Number of written responses drafted by staff attorney	**94**
Number of unwritten responses by staff attorney	**70**
Number of pages of copied law library material furnished by staff attorney	**4,823**

PRETRIAL SERVICES

In many ways the mission of the criminal justice system in the Eighties has been to resolve overcrowding problems in our Commonwealth's jails and prisons. The Kentucky Pretrial Services Program has been on the front line of this battle, developing and expanding services allowing the pretrial release of the accused. While other states struggle to house large numbers of defendants unable to obtain release simply because they are too poor to pay the commercial bail bondsman's fee, Kentucky's system releases these defendants regardless of their financial circumstances, but based on facts that insure their appearance in court.

Since 1976, when the Kentucky General Assembly abolished the commercial bail industry replacing it with the statewide Pretrial Services Program, pretrial officers have been gathering basic background information through an interview process, collecting prior criminal histories, verifying all information and presenting the interview to a judge for a release decision. The judge may consider the extent to which each defendant has ties to the community in which he is charged, enhancing the likelihood he will appear for court. The defendant's personal record of appearing in court in the past and his record of being accused or convicted of violent crimes in the past are also considered. Each of these factors is important in making an informed decision as to which defendants should be released without posting a cash bond and which should be burdened by financial conditions prior to release. Once the interview process is completed,

many defendants will be obvious "good risks" to release on their own recognizance or an unsecured bond.

The real challenge, however, in reducing jail overcrowding rests in dealing with the defendant who has not lived in the community very long, has failed to appear once in the past, or has an extensive criminal history. In response to this problem, the agency has increased emphasis in two activities designed to deal with these problem defendants. First, when presenting the interview on a defendant in these circumstances, the pretrial officer attempts to determine non-financial conditions which, when met, will enhance the probability that the defendant will return for court or not be dangerous during pretrial release. Conditions may require a defendant to report periodically to the pretrial officer, stay away from the alleged victims involved, or any other condition reasonably designed to reduce the possibility of flight or future criminal activity and that will guarantee his appearance at all court dates. During this fiscal year, 7,148 defendants were released on non-financial conditions.

The pretrial officer's attempt to determine reasonable conditions of release does not stop with the initial presentation to the judge. The second emphasis area to reduce jail overcrowding is the Supreme Court mandated 24-hour review. Any defendant who is unable to meet the financial condition of his release 24 hours after those conditions are set is represented to the judge. In many instances where the judge has required a cash bond be posted, the defendant may not have adequate financial resources to post bond. The 24-hour review allows the judge the opportunity to reduce the bond amount or to allow court approved surety in lieu of cash. During this fiscal year, 30,669 24-hour reviews were conducted, resulting in 7,578 additional releases.

Continuing efforts to give each defendant every opportunity for release, pretrial officers periodically present the court with jail census reports indicating which defendants are in jail on pretrial status, their conditions of release and upcoming court dates. Affidavits of Poverty are completed on each defendant requesting a public defender, accelerating the appointment process and reducing the time a defendant who is not released must spend in jail prior to trial.

Kentucky Pretrial Services Agency's ability to provide accurate information

about defendants is the key to informed release decision making by judges. One of the most important pieces of information the agency provides is the defendant's past criminal record. Since 1976, each of the 57 local pretrial districts has maintained a manual criminal history record system of arrests and convictions in that jurisdiction. With valuable assistance from the Administrative Office of the Courts Data Processing Unit, 1984 has brought the beginning of computerization of these records. Already two of the Commonwealth's urban areas and two rural areas are on-line and interlinked allowing the tracking of criminal activity from one computerized area to another. In the future, Jefferson County, the Commonwealth's largest metropolitan area, will be added. This process will continue until all jurisdictions are computerized allowing comprehensive statewide criminal history and tracking information.

FY 1983-84 Agency Statistics

In FY 1983-84 the pretrial services agency achieved its highest level of statistical production. Several trends which have become characteristic of the Eighties continued. The number of defendants arrested and placed in custody declined from 186,186 to 184,453 in FY 1983-84. Since FY 1979-80 with 218,238 arrests, there has been a 15% decline in this statistic. The realligning of statistical practices in 1982, eliminating defendants serving time from this statistic, is partially responsibale for the drop.

Even with this drop in arrests, the agency interviewed more defendants than ever before. The number of defendants interviewed by pretrial officers rose from 131,564 in FY 1982-83 to 135,595 in FY 1983-84. This increase is largely the result of an agency-wide push for high interview rates with the desired result being to enable more defendants to be released without posting cash bond. Since FY 1979-80 with 105,646 interviews conducted, there has been a 28% increase in this key workload indicator.

With the increased interview rate and corresponding releases, the General Manager of Pretrial Services has kept close watch on the agency's Failure To Appear and Rearrested Pending Trial rates. The Defendant Based FTA Rate* for FY 1983-84 was 5%, representing a marginal increase over FY 1982-83, but still below FY 1981-82 figures. The Court Appearance Based FTA Rate** for FY 1983-84 was under 3%, again demonstrating a slight increase over FY 1982-83, but under FY 1981-82 figures. The agencies Defendant Based and Court Appearance Based FTA rates remain among the lowest reported in the United States.

There were 2,726 defendants who were rearrested pending trial while on program release. This represents a 4% Rearrest Rate*** increasing slightly over FY 1982-83 rearrests. It should be noted here that the longer it takes a defendant's case to come to trial and the more continuances that are granted, the probability increases that a given defendant will be rearrested pending trial or fail to appear. The Pretrial Services Agency continues to work with the entire court system to expedite trial dates.

* Percentage of defendants released through the pretrial release program who failed to meet scheduled court appearances, computed on number of appearances scheduled.

** Percentage of defendants who failed to make court appearance, computed on number of defendants released.

*** Percentage of defendants who are rearrested pending trial computed on number of defendants released.

Other Pretrial Services

Citizen Dispute Mediation

Kentucky Pretrial Services provides complaint intake and dispute mediation services to the Commonwealth's three urban centers. Jefferson, Fayette, Kenton, Campbell and Boone counties are each staffed to receive citizen criminal complaints during day and evening hours. Once the citizen explains his complaint to the intake officer, the option of seeking a resolution through the informal mediation hearing rather than formal court processing is presented. Although mediation is a voluntary alternative to formal court, in FY 1983-84, 30% or 11,644 of 36,912 total complaints chose

mediation. Many times these complaints may be resolved between the two parties before a hearing is necessary. Of the 5,778 hearings actually held, 4,940 resulted in the two parties reaching some agreement that both believed would resolve their conflict. Random client satisfaction survey call backs indicate a high percentage are still satisfied with their agreement some months later.

Particularly noteworthy in FY 1983-84 was the expanded use of mediation in bad check cases. Of 12,980 theft by deception complaints received, 8,471 were handled without necessitating formal court involvement. Continued expansion of this cost effective programming is planned for FY 1984-85.

Diversion

The northern section of the Commonwealth encompassing Kenton, Campbell and Boone counties is provided misdemeanor diversion services through Pretrial Services. After defendants are screened based on the pretrial services interview, eligible defendants are offered the opportunity to complete a diversion contract resulting in dismissal of the charge against them. Conditions of diversion include restitution, voluntary community work, charitable contributions, submission to medical or psychological treatment and no further criminal activity. Compliance to these conditions is closely monitored by pretrial diversion officers.

During FY 1983-84, diverted defendants paid over $4,000 in restitution and provided over 8,000 hours of volunteer help to local non-profit agencies. Of the 1,207 defendants who entered diversion agreements, 934 successfully completed the agreement resulting in the charge against them being dismissed.

Permanency Planning for the Commonwealth's Children in Foster Care

Pretrial Services is actively involved in enhancing awareness among the social service and judicial community of the importance of permanency planning to minimize the length of time children spend in foster care. Children who spend lengthy periods of time in "foster care drift" are significantly more likely to be tomorrow's pretrial statistics. The co-ordinator for Permanency Planning assists local judges with the development of Local Citizen Review Boards and Court Appointed Special Advocate Projects to provide independent review of the progress of children in foster care.

PRETRIAL SERVICES
Diversion and Mediation Programs

Annual Statistical Report

July 1, 1983 - June 30, 1984

Statewide

A.	**Diversion Component**		
1.	Number of pretrial interviews.		8,586
2.	Number of diversion reports prepared.		1,929
3.	Number of defendants diverted.		1,207
4.	Number of diversion contracts completed.		936
	a. Number unsuccessful/referred to court.	273	
	b. Number successful/prosecution dropped.	663	
B.	**Mediation Component**		
1.	Number of actions received.		37,240
	a. Those referred for warrants or summons.	13,236	
	b. Those referred for hearings.	11,644	
	c. Other action.	12,360	
2.	Number of hearings scheduled.		10,787
	a. Those cancelled or withdrawn.	4,266	
	b. Those rescheduled for a later date.	743	
	c. Those actually held.	5,778	
	1. Those in which settlement reached.	4,940	
3.	Number of call backs made.		3,405
	a. Those which reported unsuccessful.	385	
	b. Those which reported successful.	2,373	
	c. No report received.	643	

PRETRIAL SERVICES
Annual Statistical Report

July 1, 1983 - June 30, 1984

I.	**Number of defendants arrested and placed in custody eligible for pretrial interview:**	184,453
	A. Number of defendants refusing pretrial interview	11,159
	B. Number of defendants interviewed	135,595
	C. Number of defendants eligible for program release	88,851
	D. Number of eligible defendants presented to the judiciary	85,355
	E. Number of scheduled court appearances for program releases	115,739
	F. Number of program releases revoked	1,284
	G. Number of program releases which were rearrested pending trial	2,726
	H. Number of indigency affidavits collected by the agency	8,501
	I. Number of 24-hour reviews processed	30,669
	1. Number of bonds reduced	10,143
	2. Number of bonds additional releases	7,578
II.	**Type of release for all defendants:**	
	A. Number of defendants released on program ROR	46,833
	B. Number of defendants released on program uniform schedule of bail (USB)	10,339
	C. Number of defendants released on program non financial conditions (NFC)	7,148
	D. Number of defendants released on judicial ROR, USB or NFC	20,385
	E. Number of defendants released on 10% bonds	21,987
	F. Number of defendants released on Full Cash Bond, Property Bond, or Guaranteed Arrest Bond Certificate	30,200
	G. Number of defendants released on Performance Bonds	809
	H. Number of defendants not released prior to disposition of their case	46,752
TOTAL SECTION II (should equal number of defendants arrested and placed in custody eligible for pretrial interview).		184,453

THE BUDGET PROCESS

The annual budget for the Court of Justice is a program budget for each level of court and function, including the estimated cost of personnel, operating expenses and equipment for each of the programs and the quarterly allotments for operating expenses for the 120 circuit clerks' offices. The budget staff has the continuing responsibility of monitoring the program budgets during the fiscal year and the preparation of a monthly analysis on the status of each budget unit.

The major initiative of the budget staff during this fiscal year was the preparation of the Court of Justice 1984-86 biennial budget request for submission to the legislative branch. Working directly with the AOC director, the process for the preparation of the budget request began in April 1983 with the development of a program memorandum, which serves as a planning guide for legislative and budgetary issues relating to the judiciary during the upcoming biennium. It was completed and submitted to the legislative and executive branches in July 1983. Upon completion and submission of the program memorandum, the budget staff began preparation of the detailed cost estimates for the operation of the court system during the 1984-86 biennium. The estimates include both the costs of continuation of existing services and new or expanded programs during the two fiscal years for which the legislature must appropriate funds. With a fluctuating economy evident in Kentucky, preparation of such estimates is further complicated by the constitutional mandate that the General Assembly can meet only 60 days every two years. The final judicial request was submitted to the Appropriations and Revenue Committee of the legislature in the fall of 1983. The Chief Justice made a formal budget recommendation, the State of the Judiciary Address, to a joint session of the General Assembly on January 31, 1984. Among the items requested were additional judges for the 22nd and the 41st circuits, seven additional Court of Appeals judges, an increase in the facilities fund to provide additional dollars for the rennovation of the Fayette and Warren County facilities, additional dollars for salary improvement and 15 additional deputy clerk positions.

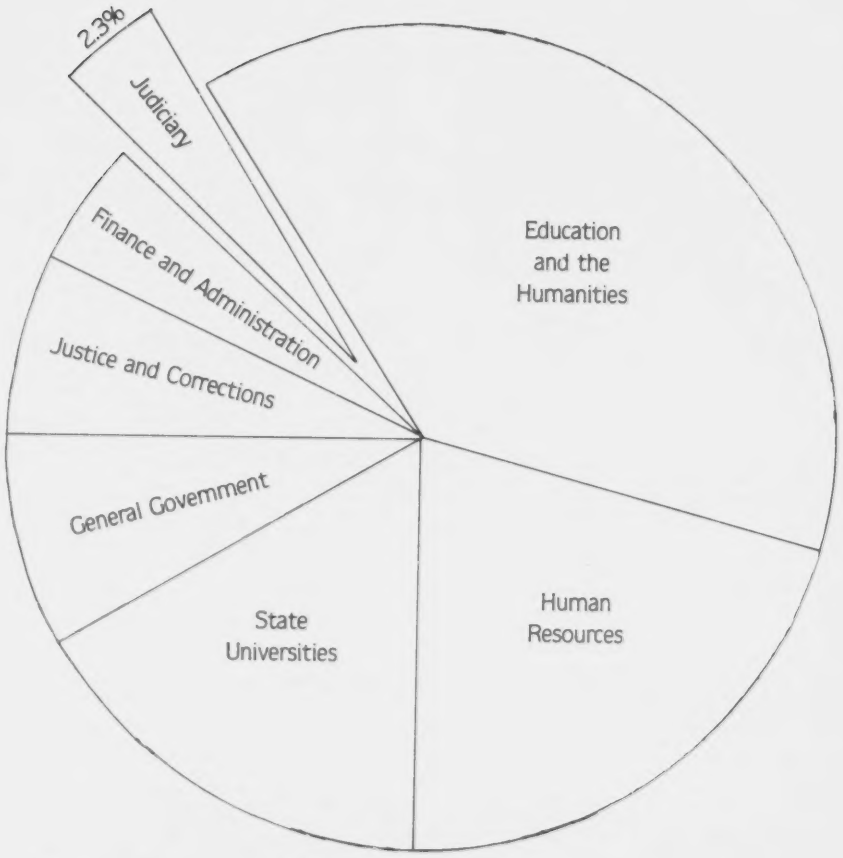
In the State of the Judiciary Address, Chief Justice Robert Stephens made his formal budget recommendation to a joint session of the 1984 General Assembly.

During the General Assembly, the budget staff provides assistance to the Chief Justice and the director of AOC for legislative budget hearings regarding the Court of Justice budget. The staff also reviews all legislative bills for their fiscal impact on the judiciary.

Financing The Courts

In accordance with the Constitution of Kentucky, the Supreme Court, through the AOC, prepares annual budget estimates of state appropriations necessary for the operation of the Court of Justice. Since January 1978, the funding of the unified court system has been from state appropriation with all of the revenues collected by the courts being deposited into the State Treasury. The 1984 General Assembly appropriated $120.4 million in general fund support of the court system during the 1984-86 biennium. The General Fund support of the courts represents 2.3% of the total state general funds appropriated in the 1984-86 biennium.

An overview of the budget for fiscal 1983-84 is reported in the material that follows.



Budget for Fiscal Year 1983-84

The General Fund budget for the support of the court system during fiscal year 1983-84 is $ 57,072,500. This represents a 7.2% increase over the appropriation in FY 1982-83. In FY 1983-84 the General Fund appropriation to the court system represents 2.3% of the total state General Fund appropriation. A total of $ 49,573,400 was appropriated for court operation and administration, including personnel costs, operating expenses and capital outlay. The personnel costs represents 88.25% of the total budget for court operation and administration. The remaining $ 7,499,100 was appropriated to the local facilities fund for rental payments to local governments for courthouse facilities. The 1982 General Assembly provided funding for continuation at the current level of service. In addition to the annual 5% salary increments, funds were provided to allow a salary adjustment to non-elected employees as determined by the Chief Justice. Funding is provided for a salary upgrade and an annual 5% adjustment for circuit clerks and a 5% salary adjustment for

judges. In compliance with statutory provisions linking salary adjustments for circuit clerks and judges to the Consumer Price Index, those elected officials received a 3.9% increase effective July 1, 1983. Additional funds were provided for operating expenses and capital outlay to help offset the impact of inflation. The budget for fiscal 1983-84 is presented by program unit in Table A.

TABLE A

COURT OF JUSTICE BUDGET YEAR 1983-84

	General Fund	Federal & Agency Funds	Total Funds	% of Gen. Fund
Court Operations & Administration:				
Supreme Court & Clerk	$ 1,545,300	$	$ 1,545,300	2.71
Court of Appeals & Clerk	2,355,600		2,355,600	4.13
Circuit Court	9,207,200		9,207,200	16.13
District Court	7,810,100	500	7,810,600	13.68
Circuit Clerks	22,141,800	49,300	22,191,100	38.80
AOC	2,381,900	1,800	2,383,700	4.17
Bds. & Comms.	30,000		30,000	.05
Law Library	467,400	1,700	469,100	.82
Pretrial Services	3,078,200	17,900	3,096,100	5.39
Juvenile Services	282,900	27,100	310,000	.50
Capital Outlay	273,000		273,000	.48
TOTALS	$ 49,573,400	$ 98,300	$ 49,671,700	
Local Facilities Fund	7,499,100		7,499,100	13.14
TOTALS	$ 57,072,500	$ 98,300	$ 57,170,800	100.00%

Collection of State Revenues

The 1976 General Assembly adopted a uniform filing fee, fine and court cost structure for the court system beginning in January 1978.

All of these funds collected by the courts are deposited into the State Treasury. A total of $ 41,853,381 was collecting during FY 1983-84 in the circuit clerk's office, a breakdown of which is presented in Table B.

TABLE B

COLLECTIONS OF STATE REVENUES
CIRCUIT CLERK'S OFFICES
FISCAL 1983-84

	General Fund	Other Agencies	Total	% of Total
Criminal/Traffic Fines & Costs	$ 24,581,770	$	$ 24,581,770	58.74
Drivers License	1,360,001	3,884,545	5,244,546	12.53
Civil Filing Fees	5,563,582		5,563,582	13.30
Boat Registration	1,554,249		1,554,249	3.71
Interest Income	939,357		939,357	2.25
Forfeitures	435,629		435,629	1.04
Charges for Service	799,058		799,058	1.91
10% Bond; 10% Fee	290,288		290,288	.69
Bond Filing Fees	189,733		189,733	.45
Fish & Game Violations	58,511	87,563	146,074	.35
Public Defender		68,329	68,329	.16
Crime Victims		306,949	306,949	.73
State Jail Fund		1,741,691	1,741,691	4.16
Over (Short)	(7,874)		(7,874)	(.02)
TOTALS	$ 35,764,304	$ 6,089,077	$ 41,853,381	100.0%

EDUCATION AND PUBLIC INFORMATION

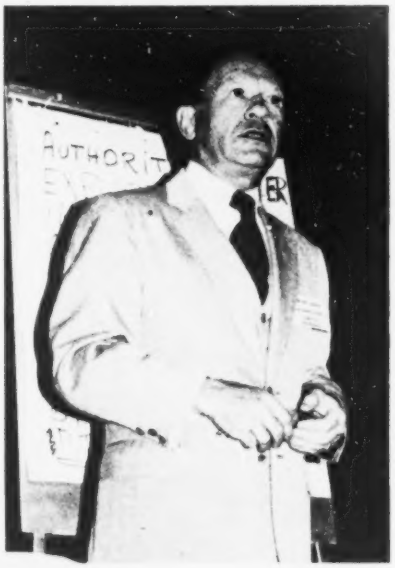
Education seminars for judges and court support personnel are conducted so that each group has an opportunity to maintain the highest degree of professional competence necessary to perform the varied judicial services required by the public and the courts.

Supreme Court Rule 8 requires each justice and judge to acquire a minimum of 30 hours of continuing judicial education per biennium. Programs conducted by the Administrative Office of the Courts are structured to meet the mandatory requirements. A total of 157 hours of continuing judicial education was provided in FY 1983-84.

A Mandatory Continuing Judicial Education Commission exercises general supervision over the administration of the rule, and accredits sponsors of courses, programs, and other educational activities which satisfy requirements. The Commission also has authority to exercise exemptions due to disability or for other good cause.

Members of the Commission are:

Justice Donald Wintersheimer, Chairman
Senator Charles W. Berger
Judge William S. Cooper
Judge Melvin K. Duke
Judge J. David Francis
Honorable John Hickey
Judge William Howerton
Representative E. Louis Johnson
Dean William R. Jones
Judge Charles R. Luker
Judge Peter Macdonald
Senator Ed O'Daniel
Judge Daniel A. Schneider
Representative Aubrey Williams
Dean Barbara Lewis



The first education program designed specifically for Kentucky's appellate judges was conducted May 8-9, 1984. Twenty of the 21 appellate judges attended the seminar which dealt with Federal Decisions, Law and the Humanities, Problems of the Courts, and Oral Arguments.

Separate education committees for circuit and district judges meet regularly to assist in planning judicial education seminars. A review of questionnaires and evaluations from previous programs provides the committees with valuable information about the education needs of judges.

Due to judicial elections, membership of the education committees changed in mid-fiscal year.

Circuit Judges Education Committee
(July-December 1983)

Judge William S. Cooper, Chairman
Judge Charles H. Anderson
Judge Sidney Douglass
Judge James E. Keller
Judge Willard B. Paxton
Judge George B. Ryan

(January-June 1984)

Judge William S. Cooper, Chairman
Judge John T. Daughaday
Judge Leonard L. Kopowski
Judge Phillip R. Morgan
Judge Olga S. Peers
Judge John W. Potter

District Judges Education Committee
(July-December 1983)

Judge John T. Daughaday, Chairman
Judge John K. Carter
Judge Kelly Clore
Judge Benjamin L. Dickinson
Judge Ellen B. Ewing
Judge William T. Jennings
Judge Leonard L. Kopowski
Judge John R. Morgan

(January-June 1984)

Judge Peter C. Macdonald, Chairman
Judge Kelly Clore
Judge George L. Drury
Judge Thomas J. Knopf
Judge Edwin D. Rice
Judge Michael B. Roney
Judge Donald L. Smalley
Judge Judy M. West

Because of judicial elections and appointments in Fiscal Year 1983-84, the education committees devoted a great deal of time to planning orientation programs for new judges. Faculty Development Seminars were conducted to instruct experienced judges on how to be effective teachers. These judges then served as instructors for intensive orientation programs for new circuit and district judges. The orientation programs concentrated on procedural matters. In addition to detailed written program materials, new judges received an updated Circuit Judges' Benchbook, Domestic Relations Benchbook and several treatises on various subjects such as juvenile matters. The Circuit Judges' Orientation Program was held December 4-9, 1983 and District Judges' Orientation was held March 4-8, 1984. In addition to these procedural orientation programs, new judges met for one day at the Administrative Office of the Courts for an administrative orientation session.

Other judicial education programs conducted during FY 1983-84 included the annual Circuit Judges' Judicial College, January 8-12, 1984. Topics addressed during the college were Inherent Powers of the Court, Jury Instructions, Computer Evidence, Recent Decisions, Child Support Enforcement, Victims Compensation, Post Judgement Relief Motions and Federal Habeas Corpus.

The annual District Judges' Judicial College was held September 11-16, 1983. Areas of concern discussed during the college included Domestic Violence, Child Support Enforcement, Inherent Powers of the Court, Mental Health, D.U.I., and Decisions Update. In June 1984 the district judges attended an Alcohol and Drug Seminar which focused on new D.U.I. legislation and drug abuse.

Training for court-support personnel is not mandatory but is a high priority and is provided when funding permits. The circuit clerks have an education committee which meets to assist in planning of semi-annual conferences.

Circuit Clerks Education Committee

Mr. Jim Groves, Chairman
Mr. C.E. Allen
Mr. W.J. Brien
Ms. Patty Bromagen
Ms. Nina Cockerham
Ms. Edith Cox
Mr. Jim Garthee
Mr. John Kearns
Mr. David Owsley
Mr. Ed Schroeder
Mr. Marvin Sullivan
Mr. Arthur Walson

The circuit clerks met in Paducah, November 16-18, 1983, for their fall conference. The program included presentations and workshops on Motivation, Bonds, Probate, Court Records, Processing URESA, and Driver Licensing. The Circuit Clerks 1984 Summer Conference was held in Ft. Mitchell, June 13-15, 1984. The main topics of the conference dealt with new legislation.

The trial court administrators and their chief judges met in April 1984 for a program designed to strengthen the administration of the courts. Each team of court administrator and chief judge was required to develop a project for their respective court and to plan its implementation.

Public Information

Upon assuming office as administrative head of the Court of Justice, Chief Justice Robert F. Stephens announced his intention to improve the public's perception of the courts through increased public information and education about the functions of the judicial process. With this imperative in mind, the Public Information Office actively has pursued ways and means to educate the public, Kentucky's youth in particular.

Efforts to institutionalize a state-wide kindergarten through 12 law-related education program have continued under the combined auspices of the Administrative Office of the Courts, the Kentucky Bar Association, and the state Department of Education. An annual state-wide high school mock trial tournament has been instituted as a tool to enhance law-related education and stimulate community interest in the program. In this first experimental year, a total of seven secondary schools were selected to participate. Preliminary rounds in various parts of the state began in mid-April. Local attorneys volunteered their services as coaches, and district and circuit judges hearing the cases determined the advancing teams based on the quality of their performance and presentation. Media coverage of the tournament was supportive.

particularly on the local level. A videotape made of one of the trials provided a training tool for future competitors. The tournament culminated in a final round held on May 1, Law Day, in Franklin Circuit Courtroom before Chief Justice Robert F. Stephens. The unqualified success of this pilot state-wide mock trial competition has assured its continuation and the participation of a greater number of Kentucky's secondary schools.

Assistance has been provided to the state Department of Education in revising and improving the Court of Justice teacher's manual. Additions to the manual include student learning activities which social studies and business law teachers may incorporate into their judicial studies lesson plans in order to increase pupil comprehension and appreciation. Also in the area of youth law-related education, AOC Public Information sought and received a grant from the Kentucky Juvenile Justice Commission to produce and distribute an audio/visual presentation and accompanying discussion syllabus on the juvenile justice process. The materials, when completed, will be designed for classroom use and should provide a positive and enlightening introduction to an important facet of our system of justice.

In quest of an informed and supportive citizenry, the Chief Justice has urged court officials and personnel to meet with community groups and the media to bring about a better understanding of the court system. To this end, training sessions designed to improve court officials' public education techniques have been provided as part of the orientation of new judges and at the 1984 Summer Circuit Clerks' Conference.

News releases are issued periodically to the state's print and electronic media on matters pertaining to judicial education, AOC managerial appointments, special court events and activities, and court-related honors, achievements, or recognition. Twenty-one news releases were issued during FY 1983-84. These releases generated written and telephone requests for background information on the reported matters in addition to the daily responses to inquiries from the media, general public, and other state and national agencies on the court structure, judicial vacancies and appointments, statistical information, and policy matters.

A quarterly AOC newsletter, **Accent on Courts**, is mailed to 2,400 judges, court personnel, state legislators and law-related agencies, county judge executives, commonwealth's and county attorneys, the media and other interested citizens. The newsletter is also sent to state court administrators and law libraries around the nation.

In compliance with KRS 27A.020(8), the Public Information Office also supervises the publication of the **Annual Report** which is distributed nationally to court administrators, law libraries, and law-related institutions, as well as to the state's General Assembly and judiciary.

Other functions of the Public Information Office have included the production, publication and distribution of various court-related educational and informational materials such as brochures, directories, and audio/visual aids.

ELECTRONIC DATA PROCESSING

By means of effective data processing applications, the Kentucky Court of Justice maintains a court information system which facilitates the retrieval of judicial statistics and, equally advantageous, a system which assists in management and administrative functions.

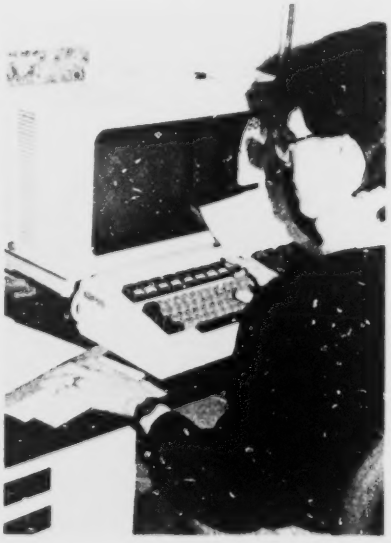
Caseload information systems for the circuit and district courts have the capability of producing reports on filings and dispositions statewide by county and district. The circuit court judicial statistics are more comprehensive than those of the district court, containing a pending file of all open cases.

In the two largest metropolitan areas of Kentucky, Jefferson and Fayette counties, case information systems are maintained which produce daily dockets, case information, subpoenas, outstanding bench warrants, and other pertinent information. In both counties, the systems interface with the computers of other law enforcement and court-related agencies.

Management systems which assist the Administrative Office of the Courts in its day-to-day operation are invaluable. Programs have been designed to ameliorate the problems associated with manual processing, and function to produce reports as often as necessary.

In these times of economic caution, budget-related systems are among the most useful in administrative matters. Since the Kentucky General Assembly meets in regular session only once every two years, a biennial budget request and program memorandum must be prepared and submitted several months prior to the convening of the legislature. A budget request system is maintained which produces worksheets containing continuation and supplemental budget request information. Additionally, an expenditure analysis system assists in the posting of all financial accounts and provides information concerning the availability of funds or budget status for the fiscal year. Detailed expenditure reports are produced as well as an automatic detailed reconciliation report. State appropriations to the Court of Justice are monitored continually through the use of these programs.

A personnel/position control system has been installed which controls and accounts for all filled and vacant positions in the court system. The program can produce personnel listings in various sequences, requests for personnel actions, for annual increments, and budget projections for calendar and fiscal years. Personnel actions are now entered on-line by the personnel/payroll section which insures that all personnel records are up to date and accurate. The personnel/payroll section has also been supplied with a terminal which provides access to the UPPS master file to enhance coordination between agencies. The payroll cost distribution system distributes payroll and fringe benefits costs for the circuit clerks to the 120 Kentucky counties, and creates automatic budget adjustments and expense transactions.



To expedite the delivery of service to judges and circuit clerks throughout the state, two inventory systems are maintained: (1) the forms/supplies inventory system which provides control and re-order procedures, and produces inventory balances and shipping orders daily, and (2) the equipment inventory system files all state and other-owned equipment by location and item number.

A unified county receipts system functions to provide an audit trail and summary reports of cash receipts and disbursements as submitted monthly from each county by the circuit clerk. The data base was formed by entering information from monthly financial reports dating back to 1978.

A Court of Justice address system is available which contains 17 classes of address listings and which can produce address labels by specified order, e.g., by zip code, alphabetical order, or by judicial district.

In order to provide for the statistical analysis of the Economic Litigation Project, a system has been designed which captures the necessary case-related data.

The Facilities Section is aided in its management of the facilities fund appropriation by a computerized system which captures data from the capital cost construction forms and the field verification forms. The system then calculates the total operating expense, court operating expense, rental expense, space ratio, normal use allowance, and applicable use allowance.

In an effort to assist the executive branch in distributing payroll information to its agencies in Lexington, the AOC has provided a remote printer at its Lexington location for their use.

During August of 1982, the Administrative Office of the Courts converted its data processing operations from the executive branch main computer to its own agency-operated computer. This has provided the AOC with greater flexibility and responsiveness to user requirements.

During fiscal year 1983-84 several new systems were developed. A case management system was developed for the Supreme Court to assist them in the distribution of their workload. A legislative bill tracking system was developed to assist the Chief Justice and AOC staff in following legislation which is of interest to the Court of Justice. The Pretrial Services Group has been provided with a system which captures and generates performance statistics on the pretrial program on a local and statewide basis. A warrant control system has been established for Campbell County which captures warrant-related data and provides a daily electronic update of this information to a centralized dispatching center in the Campbell County police department.

During fiscal year 1983-84, a system was developed to assist the local pretrial services offices in keeping track of criminal histories. Systems have been developed for Kenton, Campbell and Boyd counties.

The Data Processing Unit became familiar with the use of personal computers during fiscal year 1983-84. Experimentation in the use of personal computers in the areas of pretrial services, criminal histories, circuit clerk accounting, warrant control, computer-aided transcription and budgeting was conducted.

REGIONAL ADMINISTRATION

One of the constitutional duties of the court system's administrative head is the temporary assignment of any justice or judge to sit on another court when deemed necessary for the prompt disposition of causes. The Chief Justice may delegate this authority and has done so through the Regional Administration Program.

By order of the Supreme Court dated December 5, 1977, a pilot project for regional administration was created and became effective January 2, 1978. Initial experimentation began with two circuit court regions. Following the success of the concept, 12 regions subsequently were established to encompass the state. Additionally, three pilot district court regions were organized for statewide regional administration under the same criteria as that of the circuit courts.

During this early period, the Regional Administration Project had four goals: (1) to equalize work among the judges within the regions; (2) to expedite the disposition of litigation within regions; (3) to promote uniform procedures and practices within regions and throughout the state; and (4) to increase the responsiveness of the Administrative Office of the Courts to the needs of the trial courts.

A number of factors were considered in determining the composition of the 12 regions, including: (1) caseload per judge; (2) the rank order of judicial circuits by caseload per judge; (3) the number of circuit judges and counties; (4) geographical constraints; (5) highway quality and access; (6) trial commissioner use; and (7) kinship disqualification.

Under the provisions of the original charter accompanying the order of the Supreme Court, a chief regional judge was elected in each region by the respective circuit or district judges within the region. Adoption of a new program charter took effect December 1983. Under the new charter, chief regional judges, both circuit and district, are appointed for two-year terms by the Chief Justice, thus providing the chief regional judges more direct authority in exercising their duties which include: (1) to plan, coordinate and supervise the activities of the Regional Administration Program within the region; (2) to exercise the judicial assignment authority delegated by the Chief Justice; (3) to exercise the judicial assignment authority for appointment of retired judges who consent to appointment; (4) to excercise, in coordination with other chief regional judges, authority for assignment of judges from one region to another with the consent of the appropriate chief regional circuit or district judge; (5) to require each judge to reserve periods of time of such length and frequency as the chief regional judge deems appropriate to be available for assignment in other circuits; and (6) to call the docket of any circuit for the purpose of dismissing pending actions for failure to prosecute or reduce delay.

In addition, the new charter provides for the establishment of eight, rather than the previous 12, administrative regions. The purpose of this amendment is to allow for larger regions having a greater number of judges from which the chief judge may draw for assignment.

Program goals, redefined in the new charter, are: (1) to expedite disposition of litigation in the regions through equalization of work among the judges; (2) to promote uniform procedures and practices within regions and throughout the state; and (3) to provide for prompt substitution where a judge is disqualified or where there is a temporary vacancy. The Regional Administration Program also reduces, though does not alleviate, the need for additional judgeships in areas of the state where caseloads are periodically heavier than normal.

Charts on the following page indicate the number of assignments made in the regions as established under the old charter, and, after December 1983, as established under the new charter.

NUMBER OF ASSIGNMENTS
REGIONAL ADMINISTRATION PROGRAM
(From July 1, 1983 Until November 30, 1983)

	District Court	Circuit Court	Total Assignments
Purchase	8	5	13
Pennyrile	7	21	28
Green River	18	27	45
Central	6	35	41
Northwestern	1	7	8
Northern	8	10	18
Northeastern	0	27	27
Southeastern	0	6	6
Eastern	13	35	48
Mountain	2	35	37
Jefferson/Bullitt	0	3	3
Fayette	2	0	2
Totals	65	211	276

NUMBER OF ASSIGNMENTS
NEW REGIONAL ADMINISTRATION PROGRAM
(From December 1, 1983 Until June 30, 1984)

	District Court	Circuit Court	Total Assignments
Purchase	51	100	151
Green River	21	281	302
Cumberland	15	1	16
Metro	5	47	52
Bluegrass	19	71	90
Northern	38	72	110
Mountain	13	260	273
Fayette	0	2	2
Totals	162	834	996

BEST AVAILABLE COPY

ECONOMICAL LITIGATION PROJECTS

Concerned about the unnecessary delay and costs of civil litigation and its negative impact on the public image of the courts, former Kentucky Supreme Court Chief Justice John S. Palmore requested assistance from the American Bar Association Action Commission to reduce court costs and delay in early 1980 to address these problems. As a result of cooperation between the Action Commission, the Kentucky Administrative Office of the Courts, judges and attorneys, an economical litigation project (ELP) was designed. This project is intended to reduce the costs and delay of civil litigation by reducing the total time from filing to disposition, limiting discovery, encouraging settlement, and emphasizing judicial management of the caseflow.

The Circuit Court of Campbell County, a two-judge, medium caseload, urban court was the first site to test this new concept. After determining that the special court rules of Campbell County had a positive influence on case processing, ELP was expanded to two additional circuits. As of October 1, 1982, the 21st Circuit of Bath, Menifee, Montgomery and Rowan Counties applied slightly modified ELP rules to the civil docket. In November 1982, the 13th Division of the 30th Circuit came under the purview of ELP rules. While the 21st Circuit is a high "per judge" caseload court with one judge and four counties, the 30th Circuit is Jefferson County, the court with the highest population and highest total caseload in the state. Support staff for the project in the 21st Circuit is limited to the judge's secretary and the clerks in each of the four counties, while in the 30th Circuit, a court administrator, bench clerk, and secretary are directly involved in monitoring and managing the caseflow of ELP cases. The contrast in the court environments and working conditions within these three jurisdictions was sought in order to better test the feasibility of transferring the ELP concept statewide. While the rules can undoubtedly be adopted with little trouble, the administration of the program and adherence to the spirit of the rules by the court requires management expertise and resources that all courts may not have available. For this reason, in FY 1984, Administrative Office Task Force focused on how to transfer this project efficiently to other locations throughout the state.

Economical Litigation Project Rules

Each of the three courts now operates under the same Supreme Court Rules, i.e., Rules 89 through 97, adopted in September 1982. Under the rules, civil cases respecting contracts, personal injury, property damage and property rights are assigned to the ELP docket. Domestic relations cases which average 46% of these circuits' total caseload are not included. Planning and scheduling conferences, limits on discovery, and specific time limits for major case events are the primary components of the special ELP rules.

After discussion with the judges in Campbell County, members of the American Bar Association, and the two judges of the 21st and 30th Circuits, the rules first implemented in Campbell County in December 1980 were modified slightly and ordered into effect in all three courts in September 1982. The 1982 changes were not major; for example, the setting of a trial date was to be accomplished at the discovery conference rather than at the pretrial conference to better accommodate attorneys and the court calendars. Also added to the rules was the use of telephone conference calls for conferences or motions. Both rule modifications were incorporated to facilitate caseflow. In addition, in Campbell County, the civil docket eligible for ELP was no longer split randomly in half. A procedure of random assignment had been followed in order to more scientifically evaluate the impact of the rules. After September 1982, all eligible cases in all three courts were subject to the following rules:

1. A discovery conference is scheduled within 15 days of the filing of the last responsive pleading or the date that pleadings could have been filed under the regular rules of civil procedure. This conference, which includes the trial judge and all parties, is essentially designed to plan the course of discovery and discuss any special needs regarding the limits of discovery and case event time. At this conference a pretrial conference is scheduled within 60 days of the discovery

conference and the trial date is set 30 days following the pretrial conference.

2. Depositions are permitted as a matter of right of parties only. The plaintiff is required to give his deposition prior to that of the defendant. This requirement gives the defendant the opportunity to examine the plaintiff regarding the merits of the case. Depositions of witnesses who will not appear at the trial may be granted under the provisions of the regular rules.

3. Interrogatories of any party are not to exceed 20 in number, each of which may contain only one question. Prompt exchange, access, and inspection of evidence are also required under these rules unless an objection is raised in which case the court may intervene.

4. An exchange of information including a list of witnesses, descriptions of evidence, and concise statements of the issues and facts is required to be submitted to all parties 50 days after the discovery conference or no later than ten days prior to the pretrial conference. This rule is meant to supplement the limited discovery and promote the narrowing of issues, thus encouraging settlements.

5. At the pretrial conference, settlement may be discussed. However, the assumption is that once a case has reached this point, a trial will be held. Therefore, the pretrial conference serves to gain consensus on the issues and further prepare the case for trial.

6. The use of telephone conference calls for motions and conferences is available to the court and parties.

7. Continuances are limited by requiring good cause and notification of the client of the moving attorney.

The Case Management System

As can be seen, the special rules require planning and scheduling conferences, limits on depositions and interrogatories, and firm time limits on case events in order to encourage settlement and reduce costs and delay. The effectiveness of these rules depends on the quality of judicial management of the cases on the special docket.

The judges are responsible for communicating the substance and the spirit of the ELP rules to the practicing attorney and insuring the cooperation and compliance of these attorneys. The real task of the judges is establishing judicial control of a docket traditionally controlled by the attorneys. This task is accomplished by insisting that the special rules be adhered to from the first day of the life of a case until its last day. Emphasis is placed on an early discovery conference and a firm trial date. There is little hesitation to call attorneys if a case is found to be severely lagging behind the targeted event dates.

It is not meant to imply in the above description that the rules are applied inflexibly. Realistically, the rules are applied discreetly and relief has been granted from the requirements of the rules when necessary.

Essential to effective management of the caseflow by the judges are the efforts of the support staff in the project sites. As could be expected from the earlier description of these court environments, each court has handled the administrative responsibilities differently. The case management approach of each court is described briefly below.

17th Circuit - Campbell County.

During the first two and one-half years of operation, the clerks have been responsible for administering the random assignment procedure for ELP and regular dockets, assigning each ELP case a special case number, and color-coding the ELP case jackets and docket sheets. Other than these differences, the ELP cases have moved through the clerk's office as do all other civil cases. The responsibility for monitoring the status of the ELP cases, flagging cases not proceeding according to rule, and notifying attorneys and judges of delay rested on the court administrator. Specifically, the

administrator contacted the parties upon lack of service of the complaint or lack of response to the complaint as well as notifying them of their discovery conference date. He regularly informed the two judges about cases which were off schedule. Detailed information on the activity in each ELP case was maintained manually on a log sheet developed by the administrator. This log sheet or chart was used for case tracking and for the compilation of statistical information on the program.

In January 1984, two major changes occurred. First, the administrative responsibilities were transferred to the clerk's office and second, all eligible civil cases were handled under the rules. To handle the monitoring and scheduling, the deputy clerk in charge established a tickler card file and eliminated the charting system. With all eligible cases going under the rules, the random assignment procedure was, of course, dropped but the special numbering was maintained for identification purposes. These changes facilitated the case scheduling process. In addition, the ABA had completed data collection for their extensive evaluation so the need to provide statistical summaries on case processing has lessened, thus making the elimination of the log more acceptable. Both the court administrator and deputy clerk estimate the record-keeping tasks of the project consumed approximately an hour a day or four to five hours a week.

Case tracking and notification have been handled through a manual caseload tracking system. However, the feasibility of computerization of these and other records in the Campbell County Clerk's Office is now being studied. Automation could provide the court with an automated tickler file system to handle much of the tracking and notification tasks as well as provide other services. As yet, however, the manual approach continues to be the management method used.

21st Circuit - Bath, Menifee, Montgomery, and Rowan Counties.

The four-county makeup of this circuit presented unique problems in terms of scheduling and monitoring case activity. As in Campbell County, the clerks have assigned a special case number and placed the ELP cases in a special case jacket. Then, to assure that scheduling conflicts did not occur, the judge's secretary assumed primary responsibility for case management in this circuit. Using copies of the most relevant case documents, i.e., complaints, service, answer, and motions, that are sent from the clerks' offices to the secretary, a duplicate case file is prepared and a card tickler file is set up in the secretary's office to mark when specific action by the court or the parties is due. Notification of the discovery conferences and other scheduling and the need for service or default judgments is issued from this office. While computerization was considered for this circuit, it was determined that the data entry required would offset the benefits of the automatic tracking. Unless case data is entered in conjunction with clerk's office functions, a switch from the present efficiency of the manual index card tickler file could not be justified.

30th Circuit, 13th Division - Jefferson County.

To accommodate the high caseload volume in Jefferson Circuit Court, the clerks in this court specialize in specific record-keeping tasks. Thus, a number of people were affected by the introduction of ELP into this division. While one segment of the clerk's office assigns the special case number, another maintains the docket sheets, and another files the actual case jacket. Most affected, however, were the circuit court administrator and the judge's bench clerk. A cooperative arrangement between the two has been established to monitor the status of the ELP cases and to keep the cases progressing as required. Twice weekly, the court administrator collects case information from the case docket sheets, logs it, and determines the type of action needed by the parties or court and when action is due. The status of these cases is reported to the bench clerk who sets dates in accordance with the judge's calendar, sends appropriate notice to the attorneys, and/or confers with the judge to determine appropriate actions.

In all three courts, the operation of the ELP has meant additional administrative responsibilities for the judges and their support staff. Before the initiation of each project, those to be affected by the special ELP rules were brought together with the staff from the American Bar Association and AOC to discuss the goals of the project, calculate the impact on their specific job, and determine the most efficient method of implementing the rules. As can be seen, each court

developed their own procedures, all seemingly effective, to handle their duties.

The Impact of ELP Rules on Caseflow

Extensive data on case activity in the jurisdictions that have ELP have been collected by staff of the AOC and the American Bar Association with the latter conducting a sophisticated analysis of time and costs in ELP versus regular docket cases, as well as attorney and court perceptions of the advantages and disadvantages of the rules. From the data obtained, the evidence clearly shows that the ELP rules and procedures have had a dramatic, positive impact on processing the civil cases in these test-site courts.

The ABA has reported on the Campbell County experience in **The Judges' Journal**, Fall 1982, and **The Justice System Journal**, Winter 1983. In the summer of 1984, analysis on data collected in Jefferson County as well as Campbell County was presented in a national publication called "Attacking Litigation Costs and Delay."

Unfortunately, the election process in the 21st Circuit disrupted the pace of case handling to such an extent as to preclude the inclusion of their staristical data with the other two courts. While preliminary data collected on the first three months of operation and presented in Kentucky's FY 1983 Annual Report indicated that ELP project results were comparable to that in the other two courts, the demands of campaigning in the summer and fall of 1983 apparently disrupted scheduling and conducting conference hearings and trials. For this reason, the ABA chose not to present statistics on the 21st since the rules in essence were not adhered to sufficiently to adequately assess the program. The experience of the 21st Circuit effectively illustrates one of the essential ingredients of the project, i.e., that control by the court is critical to the effectiveness of the rules.

Delay

The analysis of information collected in Campbell and Jefferson County yields convincing evidence that enforcement of the special rules can significantly shorten case life. On the average, the ELP cases in these two courts were disposed about nine months earlier than those handled on the regular docket, i.e., a 64% reduction in time. As Table I shows, the elasped time between each major interval in the case contributed to the overall reduction in time; the average age of the regular docket case at disposition was 14 months while the ELP cases were five months old. While the Louisville court proved faster overall than the Campbell County court, the ABA determined that these differences were not such that the data from the two courts could not be combined. As can be seen, the differences between the regular docket and baseline cases for the two courts are proportionately similar. These changes occurred essentially regardless of case type -- as the data in Table 2 illustrates.

Obviously, the use of the special ELP rules and procedures connected with them helped these courts dramatically improve their case processing times and meet one of the formal goals of the project, namely that cases be disposed within six months.

The staff of the ABA suggests, from their involvement with the project staff and review of the statistics, that there are three basic characteristics singly or in combination that reduced the time at each stage of litigation of these cases. First, the new rules shortened the time between filing and answer to pleadings, motions, and discovery, about 30 days for each responsive pleading and 75 days for the discovery and pretrial phases of the case. With the rules, however, also came a monitoring system. The clerks and court administrators of these test courts regularly reviewed the status of each case and, when appropriate, prompted attorneys to file for default or dismissal. Second, the simplification of procedures dictated by the rules, particularly in the area of discovery, reduced the number of discovery filings which permitted cases to proceed more quickly. For example, the ABA reports a 50% reduction in interrogatories filed and a 33% reduction in disposition notices. Finally, ELP cases terminated at an earlier stage than the regular docket. Again, the entry of court with the monitoring and notification procedures at the earliest stages of case activity encouraged attorneys to act. Also, the discovery conference which convened the parties early in the case life appears to have resulted in speedier settlement

TABLE 1

Comparison of Elapsed Times of ELP and Baseline Dockets at Major Intervals

(Average in Days)

	Kentucky		Campbell County		Louisville	
	ELP	Baseline	ELP	Baseline	ELP	Baseline
Pleadings (a)	34	58	30	54	26	62
Discovery (b)	71	296	80	346	62	245
Pretrial (c)	94	237	83	115	70	359
Total	151	426	184	482	118	369
	N = 242	N = 208	N = 146	N = 93	N = 96	N = 115

(a) From filing to last pleading.

(b) From first discovery event to final discovery event.

(c) From pretrial conference or trial scheduling to first trial day.

(d) N = Number of cases

TABLE 2

Comparison of Average Total Caselife by Case Type

(Average in Days)

	Campbell County		Louisville	
	ELP	Baseline	ELP	Baseline
Contract	156	342	100	343
Personal Injury	266	742	116	522
Property Damage	155	588	210 *	193 *
Property Rights	243 *	204 *	67	299
Other	—	—	98	177

* Reversal from trend appears to be related to small number of cases.

TABLE 3

Comparison of Survival Characteristics for ELP and Baseline Cases

	Campbell County		Louisville	
	ELP	Baseline	ELP	Baseline
Pleadings (a)	48%	35%	51%	41%
Settled/Dismissed	24%	6%	27%	10%
Motion	19%	24%	11%	11%
Default	5%	5%	13%	2%
Discovery (b)	29%	39%	22%	44%
Settled/Dismissed	16%	32%	15%	25%
Motion	2%	7%	3%	11%
Default	3%	2%	2%	4%
Summary Judgment	1%	3%	2%	3%
Pretrial (c)	16%	17%	20%	11%
Settled/Dismissed	12%	16%	15%	10%
Motion	2%	1%	1%	1%
Default	2%	—	1%	—
Trial (d)	9%	9%	7%	4%

(a) Cases starting, not surviving pleadings -- no answer filed or no discovery conference.

(b) Cases starting, not surviving discovery – no discovery filed, or pretrial conference or trial setting.

(c) Cases starting, not surviving pretrial -- pretrial conference or trial setting, but not held.

(d) Cases beginning trial.

negotiations and, ultimately, disposition. Overall, 13% more ELP cases were disposed at the pleadings stage than the regular docket/baseline group of cases. Table 3 shows the survival characteristics of the cases in these two courts (Connolly and Planet, unpublished).

A final illustration by means of caseload statistics of the effectiveness of the ELP rules is that 97% of the ELP cases were disposed of within one year compared to 60% of the regular docket/baseline cases; almost 77% of the ELP cases were closed in six months. As the ABA staff notes, national standards have recently been promulgated in **The Judges Journal**, Winter 1984, which have set a goal of disposition at 90% of all civil cases in one year and 100% in 24 months; with the distinction being made for trials as follows – 12 months for non-jury cases and 18 months for a jury trial, on the average. It appears that the ELP rules could certainly assist most courts in reaching this goal.

Costs

The statistics gathered by the ABA effectively show that the ELP rules do speed case processing when the court staff utilizes them. Of equal concern, however, has been whether such time savings for the court will translate into time and costs savings for the attorneys and litigants. To address this concern, the ABA interviewed by phone attorneys in Campbell and Jefferson who had handled cases under the ELP rules.

The ABA reports that about 80% of the attorneys interviewed in these two courts indicated that they spent the same amount of time or less in the ELP cases. The greatest time savings in these cases occurred during the discovery stage apparently because of the reductions in the number of interrogatories and depositions. In addition, the compressed time schedules dictated by the rules saved them time in pleadings, trial preparation and settlement negotiations.

The ABA staff suggests that the judicial control and procedural simplification elements of this program offer attorneys time savings in several ways. First, non-productive time spent on trips to the courthouse and on waiting for upcoming events is reduced. Second, duplicative discovery and motion filings are reduced by tailoring discovery at the early conference and limiting non-party depositions. Finally, the firm calendaring practices and resistance to routine continuances reduce repetitive preparation for the attorneys.

ABA questioning revealed that such time saving did translate into cost savings for some ELP clients. Approximately 25% of the attorneys interviewed indicated that they had reduced their fees; the reduction averaged a substantial $660 or 24%.

As in other locales where cost savings have been studied, the type of billing system represents a primary factor in whether costs are passed on. (Chapper and Hanson, 1983). Thus, while attorneys using an hourly fee plan uniformly reported passing their savings to their clients, contingency fee clients obtained no reduction from their attorneys. The ABA staff observes that while cost savings have initially been small, the potential aggregate reductions in attorney time and subsequent cost savings could be significant. They note contingent fees can be structured so the fee corresponds more to the time invested. In fact, they suggest that clients such as insurance carriers and corporations who utilize contingent fees may play a key role in ensuring that attorneys avail themselves of the time savings offered through programs such as ELP. Even though the savings may be small on a single case basis, these clients generally have such volume that again the aggregate savings are substantial.

Quality

If the ELP rules constrict the time period for case handling and produce cost savings but adversely effect the quality of justice, then this project could not be considered a success. Fortunately, this was not the case. The ABA used as a standard for assessing the qualitative impact of the project whether the ELP rules hindered the attorney's ability to prepare for trial or settlement. Over 80% of the attorneys reported that the ELP rules did not impede their trial preparation or ability to conduct settlement negotiations.

Case records support this attorney information. While ELP cases do close at an earlier stage as compared to the regular docket cases, the outcome of ELP and regular/baseline cases were essentially the same as shown in Table 4.

TABLE 4

Disposition Profile for ELP and Baseline Cases

	Campbell County		Louisville	
	ELP	Baseline	ELP	Baseline
Settled/Dismissed	52%	54%	50%	46%
Motion	28%	27%	15%	23%
Default	10%	7%	16%	24%
Summary/Judgment	1%	3%	5%	3%
Trial	9%	9%	7%	4%

The ELP judges likewise reported that attorney preparation did not appear inhibited. They noted that while the time schedule is "tight," there is great flexibility in scheduling. The early discovery conference allowed a tailoring to the needs of the parties and both the discovery and pretrial seemed to help the attorney narrow the issues to be handled and improve their trial preparation.

In summation, there was no indication that the quality of the judicial process is hindered by the rules and certain factors that suggest the speedy attention to the cases are enhancements.

ELP Task Force

In the Fall of 1983 an Economical Litigation Task Force was assembled to evaluate whether the ELP can and should be used in the Kentucky courts in general. After careful consideration of the operation of ELP in the test sites, the Task Force observations and recommendations are as follows:

1. The time frames established under the present ELP rules be maintained with the possible exception of expanding the trial setting period to six months in the highest caseload courts.

2. All civil cases, including domestic relations cases, come under the purview of the rules.

3. Limitations on discovery and continuances be retained in the interest of economy to the court and litigants.

4. Concerning the staffing of present and future delay-reduction projects:

   (a) All parties who will be involved should participate in the designing and implementing of the procedures for project operation.

   (b) There is no "one right way" to handle the tracking and support functions.

   (c) These rules represent a change in the court's role in case management by placing a case under judicial control rather than control of the attorney.

   (d) A manual tickler card system is the most efficient method of tracking case activity. The "case monitor(s)" must be familiar with various events that comprise a case but extensive legal expertise is not required.

5. Automation of case monitoring is not recommended on a statewide basis.

6. One phase of ELP involved the use of standardized, multi-ply forms. These forms were designed to be completed quickly, often in court, and to reduce typing, copying and mailing expenses. The concept was quite sound and should be incorporated in any further sites. If the rules continue to be employed, a change to a multi-ply docket sheet/statistical reporting card/ELP tickler calendar card form is urged in order to further reduce typing responsibilities.

Summary

The American Bar Association Action Commission to Reduce Court Costs and Delay is unhesitating in commending the Kentucky delay reduction rules and procedures to other jurisdictions. If the courts are to be responsible for producing judgments on the majority of their cases in less than a year as some national groups urge then guidelines such as those set by the Economical Litigation Project are essential aids to judges. But, just as crucial, is the decision by our judges that it is **their** perogative to establish the pace of cases in their court. Presently, the expansion of ELP in Kentucky is being considered by the Supreme Court.

THE CIRCUIT COURT CASELOAD WEIGHTING PROJECT

A continuing concern in the administration of the court system is that an objective and fair method of determining personnel needs is available for circuit and district court. Among the various methods of assessing personnel requirements, a court's caseload is frequently used as an indicator of court workload. The problem associated with this method is that the differential demands of case types are obscured by this summary figure. In an effort to accurately reflect the differences in time that are required, various case "weighting" procedures have been developed. A "weighted" caseload figure is assumed to better represent the work demands on court personnel than a single caseload total.

In 1976, a study of Kentucky court manpower requirements, based on a weighted-caseload study of ten judicial circuits, was completed by the AOC and Arthur Young & Company. The study utilized case-processing time values which represented an accounting of time required to handle various types of cases in the system and a judge-year/clerk-year value which represented the average amount of time available per year for processing cases. These time requirements were then applied to projected 1978 caseload figures to determine personnel requirements. The advantage of this method is its ability to make reasonable estimates of the judicial and support staff needed. Disadvantages are present, though, because this method is both a time-consuming and costly means of assessing personnel needs.

Thus, while the Young method of case weighting was very useful, it was considered too costly in terms of personnel and money to replicate in 1979 in order to apply to circuit court caseload data. After reviewing various approaches available, the method of case weighting used by the Pennsylvania court that combines elements of the Young procedure with **Delphi** techniques developed by the Rand Corporation to extract opinion consensus from panels of experts appeared appropriate for Kentucky. With the Delphi approach, estimates of time (or whatever the issue involves) are generated by a panel of experts. Assessment of the estimate of time continues until a group consensus emerges as to the average time in question. In Pennsylvania and in Kentucky, judges were designated the "experts" and were assigned the task of determining the average amount of judge time required to carry different types of cases to completion. The figures generated from the surveys conducted of the judges serve as the case weight which, in turn, is applied to court caseload to produce a "weighted" caseload.

Method

In Kentucky, the case weighting project has been limited to the circuit court level. First, this was to permit a test of the method under more manageable conditions since the circuit court has fewer judges and a much smaller total caseload than district court. Second, the circuit court data is computerized which permitted the automatic application of the weight to the raw caseload. In contrast, the district court caseload data is manually compiled and summary totals only are entered into the computer. Because of the volume of the district court caseload, it is not presently possible to compile detailed disposition data for this court.

In the spring of 1979, the 87 circuit judges serving in Kentucky were asked to complete two questionnaires on the relative difficulty of their caseload. Rather than ask for a specific time estimate by case type from the judges, they were asked to indicate for a series of 136 pairs of case activities which case type required, as a rule, the most work for them. The case activities were types of cases upon which the Administrative Office of the Courts' case-reporting system obtains disposition information. Each of 17 case types was paired with all others and, following a statistical analysis dictated by this paired-comparison method, the result was the assignment of a scale value or "weight" to each circuit court case type. Sixty-six judges participated in this survey.

The circuit caseload weights, after being converted to a ten-point scale, are shown on Table 5. Using the Rand procedure as a model, the weights of the case types were submitted for review to the circuit judges who participated in the first round of questioning. No changes in the weights or ranking of the case types occurred from this step.

Results

The results of the rating process accomplished by the circuit judges indicate that a civil jury trial is considered the most demanding case category with a civil court trial and criminal jury trial only slightly less difficult. A dismissed case was rated as the

TABLE 5

CIRCUIT COURT CASELOAD WEIGHTS

Case Category:	Weights
1. Civil-Criminal Dismissed and Civil Default	.31
2. Civil-Settled	1.50
3. Uncontested Divorce	1.82
4. Mental Competency	2.32
5. Mental Commitment	2.34
6. Adoption/Termination	2.38
7. Criminal-Guilty Plea	3.30
8. Civil-Lower Court of Appeal	3.59
9. Criminal-Lower Court of Appeal	3.72
10. Probate Challenge	4.32
11. Other Domestic	5.53
12. Workers Compensation	5.79
13. Criminal-Court	7.34
14. Contested Divorce	7.97
15. Criminal-Jury	9.74
16. Civil-Court	9.78
17. Civil-Jury Trial	10.0

least demanding case type on the average. Again, the final ranking of the 17 circuit court case types is shown in Table 5.

These weights have been applied to the FY 82, FY 83, and now, FY 84 circuit court case disposition information reported to the Administrative Office of the Courts. Because some courts continue to report their criminal caseload on the basis of charges rather than defendant, a reduction in these counties' criminal weightings has been manually calculated; however, after taking note of this problem, a total civil and criminal weighted caseload number for each circuit is now available. The ranking of the FY 84 circuit court weighted caseload on a per judge basis, i.e., the circuit's total caseload figure is divided by the number of judges, is shown on Table 6. Also noted by an * are the circuits utilizing a domestic relations commissioner.

In FY 1981-82, Circuits 41, 22, 11 and 34 ranked highest in the state in weighted caseload. In FY 1982-83 and FY 1983-84, Circuits 22, 11 and 34 have been ranked as the three highest circuits in the state, but the 41st dropped in rank to eight and then 28th out of 56 circuits in these years. All of these circuits are high "raw" caseload circuits. To obtain these high weighted ratings, these circuits reported a high number of jury and court trials and a high percentage of domestic relations cases;

all of which are time-consuming case types and are accordingly weighted heavily. None of these circuits utilize a domestic relations commissioner which may account for the higher trial rate.

While specific time data on these circuit court case types have not been collected to verify these weights, the resulting ranking from this quantitative approach to define high workload areas corresponds closely to the results produced by the very different method used in 1980 and 1981 to study workload. During this time period, a variety of data on each circuit and district was collected; among the information compiled was caseload, travel, court staffing, facilities and other relevant objective data on each court across the state. In addition, the local judges were asked to indicate their problems and rate their overall workload conditions. Using this multi-factor approach, the same circuits were defined as areas with undesirable caseload pressure. The results of this earlier study appears to lend strong credence to the findings of the caseload weightings and subsequent ranking derived from the very quantitative approach that the case-weighting system represents.

TABLE 6

A RANKING OF THE CIRCUIT FY 84 WEIGHTED CASELOAD PER JUDGE

RANK	CIRCUIT NUMBER	WEIGHTED CASELOAD PER JUDGE
1	22	4008.83
2	34	3485.00
3	11	2857.00
4	43	2808.00
5	42 *	2736.00
6	28 *	2713.00
7	54 *	2682.00
8	36	2524.00
9	32 *	2503.00
10	29	2465.00
11	30 *	2462.31
12	53	2449.00
13	26	2442.00
14	21	2439.00
15	38	2378.00
16	10	2350.00
17	12	2342.00
18	13 *	2308.00
19	35 *	2278.00
20	14 *	2245.00
21	6 *	2218.00
22	17 *	2181.00
23	27 *	2116.50
24	56	2113.00
25	9	2106.50
26	15	2074.00
27	31 *	2069.00
28	41	2013.00
29	46	2005.00
30	50 *	1982.00
31	51	1973.00
32	40	1971.00
33	4 *	1958.00
34	25 *	1937.00
35	45	1930.00
36	20 *	1892.00
37	39	1881.00
38	7	1866.00
39	37 *	1848.00
40	5	1802.00
41	1	1726.00
42	8 *	1725.50
43	16	1723.00
44	19 *	1692.00
45	52	1686.00
46	48 *	1585.00
47	55	1580.00
48	23	1567.00
49	3	1561.50
50	47	1559.00
51	44	1518.00
52	33	1508.00
53	2 *	1485.50
54	49	1339.00
55	18	1315.00
56	24	1315.00

* A domestic relations commissioner serves in this circuit

** Special judge assignments outside the circuit are not reflected in the weighted caseload figure

Summary

Unfortunately, the circuit court case weighting system does not translate into a time measure, i.e., the weight cannot be divided into available judge-time to derive judge positions required to handle the cases in a court. However, the case weights do provide a picture of relative work demand across the state. Those circuits with the more difficult and time-consuming court activity, such as court and jury trials, are so indicated by their high ranking. In contrast, circuits that have a larger proportion of their caseload dismissed, settled, or uncontested rank lower.

In summary, the rankings derived from the caseload weighting procedure represent a valuable resource for the courts. Finally, recognition is being given to those circuits handling the more demanding caseload. The circuit court weighted caseload figures offer an objective procedure to assess relative workload pressure across the state. Furthermore, the correlation between the conclusions drawn from a multi-factor study completed in 1981 and the present statistical system supports our view of the validity of the weighting procedure.

Appellate Court Statistics

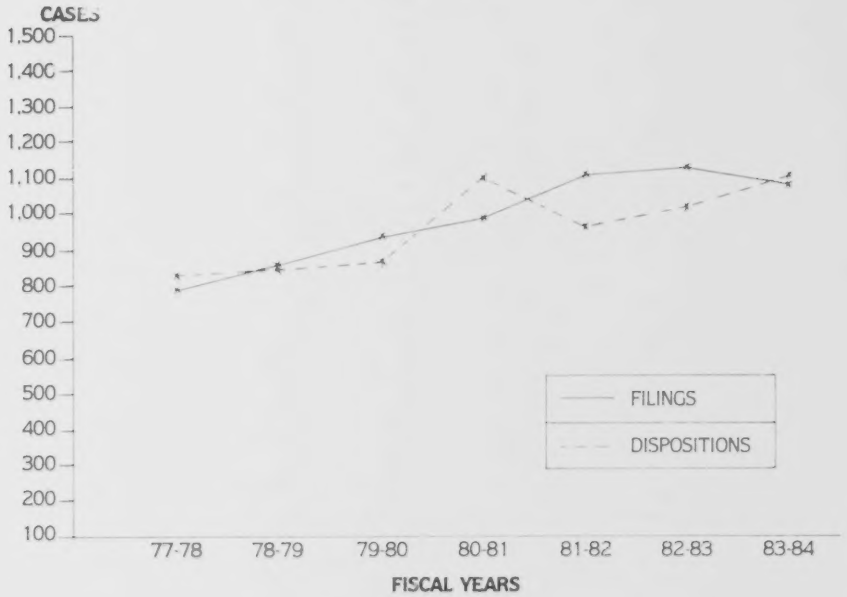
The Supreme Court

The incoming workload of the Supreme Court remained high with 1083 filings in FY 1983-84, although this was not quite equal to the level of the previous two years, as shown in Figure I. Case dispositions, however, rose 8% to 1109 which represented the highest disposition level ever reported. Because dispositions exceeded filings and the filings did not increase, the pending caseload declined 5% from the previous year's backlog.

Figure 2 reports case filings and dispositions in FY 1983-84 for five major case categories handled by this court and compares these figures to that reported in the previous year. The following case categories are distinguished: motions for injunctive relief, direct appeals and original actions, motions for transfer, motions for discretionary review, and petitions for rehearing.

As in past years, motions for discretionary review comprised the majority (approximately two-thirds) of matters filed with and subsequently disposed by the Supreme Court in FY 1984. While the FY 1983 discretionary review filings were level with the previous year, the FY 1984 filings dropped by 7%, i.e., from 738 to 684. Since this category of cases constitutes a substantial portion of the court's total volume, such fluctuations are directly reflected in the total volume. A reduction in granting discretionary reviews by the "new" court may account for the drop in filings evidenced. Presently, a majority of four justices must approve before the review is granted as opposed to the past procedure in which only one justice had to support the review and the review would be granted. In any case, dispositions have kept pace with filings this year and the number of pending discretionary review cases increased only slightly during FY 1984.

Figure 1
SUPREME COURT CASELOAD

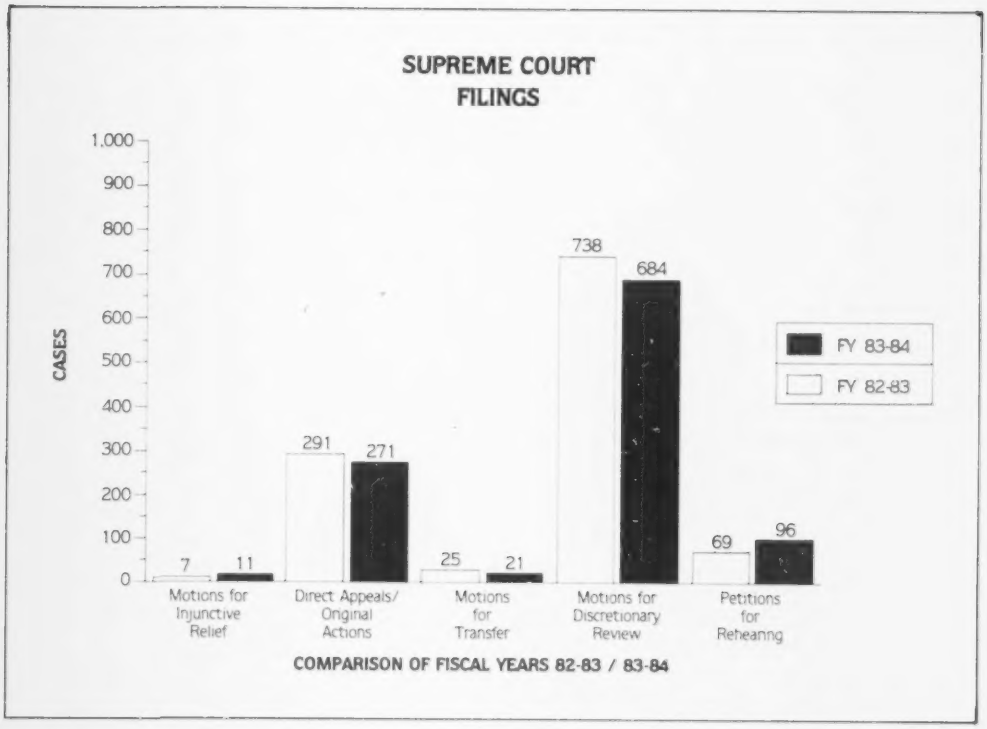


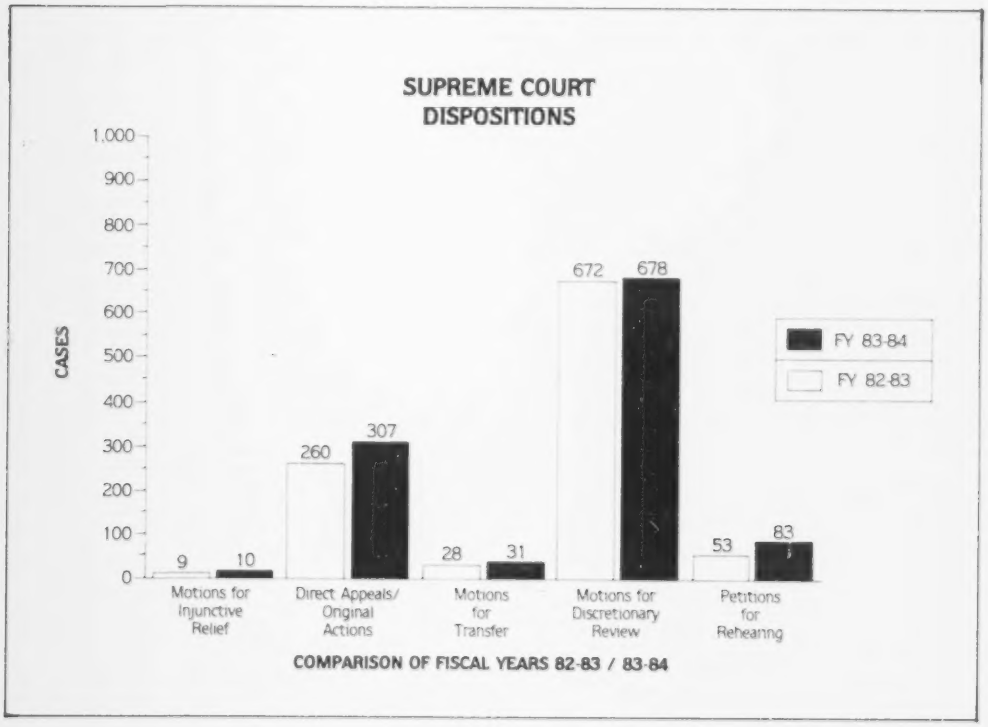
Direct appeals and original actions represent the next largest category of cases handled by the Supreme Court with 25% or 271 of the total cases filed in FY 1984 falling into this category. In FY 1984, 307 direct appeals and original actions were reported disposed. As with the discretionary review cases, the filing level represents a 7% decline from FY 1983. In contrast, dispositions continue to increase, as in FY 1983, and the rate of increase was substantial, i.e., 18%.

The volume of injunctive relief matters (Rule 65.09) filed and disposed has remained stable since reporting of this category began. In FY 1984, 11 motions were filed and ten were disposed. In contrast, petitions for rehearing which have not fluctuated to any extent for four years evidenced, in FY 1984, a 39% increase in filings between FY 1983 to FY 1984, i.e., 69 to 96. Dispositions likewise increased during this period, i.e., 53 to 83.

The number of transfers in FY 1984 again dropped slightly from the FY 1983 level of 25, going to 21. This level remains higher than previous years as a result of the adoption of Rule

Figure 2


SUPREME COURT
FILINGS
CASES
1,000
900
800
700
600
500
400
300
200
100
0
7
11
291
271
25
21
738
684
69
96
FY 83-84
FY 82-83
Motions for Injunctive Relief
Direct Appeals/ Original Actions
Motions for Transfer
Motions for Discretionary Review
Petitions for Rehearing
COMPARISON OF FISCAL YEARS 82-83 / 83-84


SUPREME COURT
DISPOSITIONS
CASES
1,000
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800
700
600
500
400
300
200
100
0
9
10
260
307
28
31
672
678
53
83
FY 83-84
FY 82-83
Motions for Injunctive Relief
Direct Appeals/ Original Actions
Motions for Transfer
Motions for Discretionary Review
Petitions for Rehearing
COMPARISON OF FISCAL YEARS 82-83 / 83-84

7.18 which permits the transfer of cases with statewide or broad impact directly to the Supreme Court, thus bypassing the Court of Appeals.

A total of 340 opinions and opinions and orders were issued during FY 1984 by the Supreme Court, essentially the same as in FY 1983. Also during this period, 686 court orders were entered. In addition to these caseload data, other types of motions, such as motions to proceed in forma pauperis, motions to substitute parties or attorneys, or extend time, represent a significant workload factor. For example, 1150 of these general motions were filed in FY 1983 and 929 were filed in FY 1984.

The Court of Appeals

Caseload figures in the Court of Appeals have increased 18% over the past seven years. Filings rose sharply in FY 1982, up 391 to 2991. In FY 1983, the court reported its highest level of filings, i.e., 3058 total filings. In the most current fiscal year, filings have remained high with 3012 incoming cases reported. Only in FY 1983, did dispositions not increase. During this year three judges' positions were vacant due to the election and normal case handling was interrupted. But, in FY 1984, with a full complement of judges, the Court of Appeals produced a high number of decisions, i.e., 2730, and more closely approximated their filing level. Figure 3 graphically illustrates these data. With the combination of the high filing rate and lower disposition rate, the pending docket reported at year-end by this court continued to increase, i.e., from 1714 cases to 1996 cases.

As the bar graphs in Figure 4 reveal, the largest proportion of matters filed and heard by the Court of Appeals in FY 1984 were direct appeals. As such, civil appeals composed 65% of all matters filed; criminal appeals constituted 19% of all matters filed during this time. The trends in these case categories are directly reflected in overall filings and dispositions for this court. Filings in civil appeals rose by 5% or 96 cases to 1,948. In contrast, criminal appeals decreased by 142 cases or 20%. During this time, dispositions did not keep pace with the filings so the backlog grew in both the civil and criminal categories of direct appeals by 18%. This, in large part, accounted for the increase in total pending matters for the Court of Appeals.

Although discretionary review matters are filed much less frequently than direct appeals, there has been a steady increase in filings over the past several years. As the display in Figure 4 reveals, dispositions of these matters have increased by approximately the same proportion as filings, thereby contributing little to the overall backlog of the court. For example, in FY 84, 100 discretionary review cases were filed and 95 were disposed. It should be noted that a "discretionary review" case in the Court of Appeals is not counted in the same manner as a "motion for discretionary review" in the Supreme Court. Specifically, they are comparable only if the motion is denied. If a motion for discretionary review is granted in the

Figure 3
COURT OF APPEALS CASELOAD

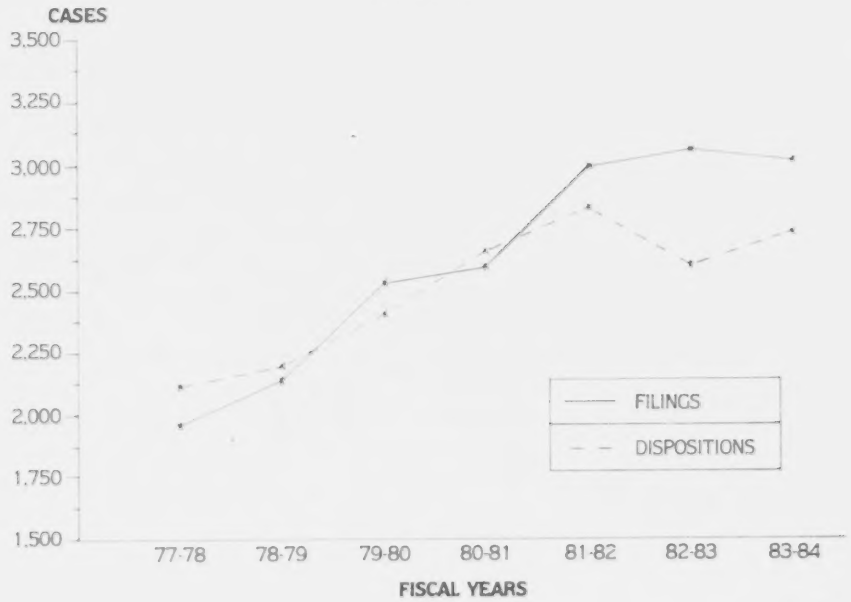
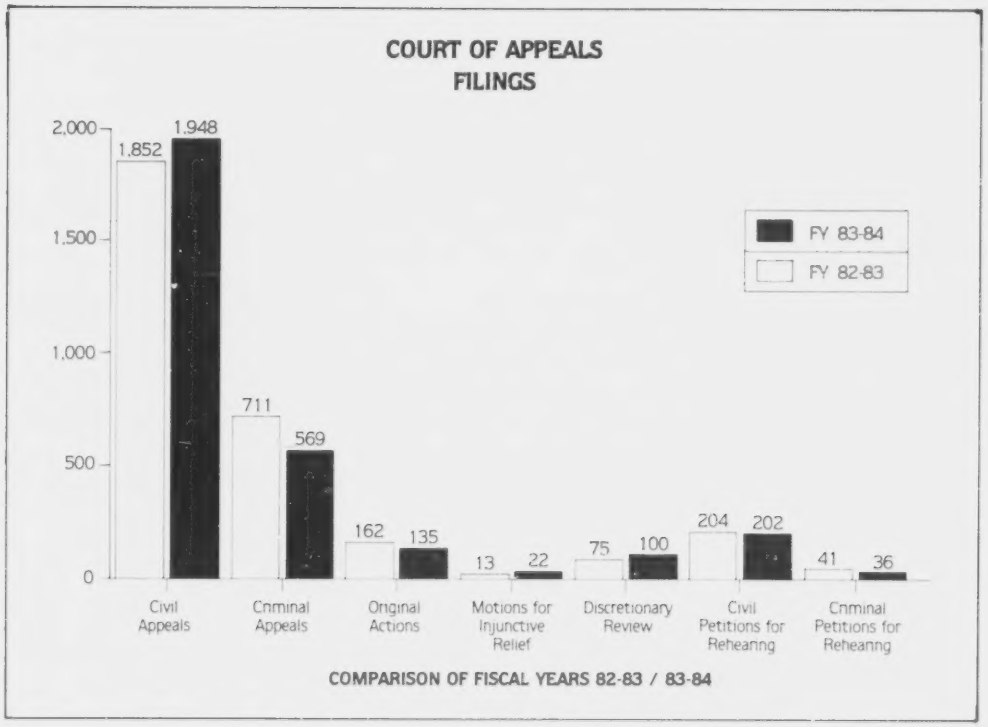
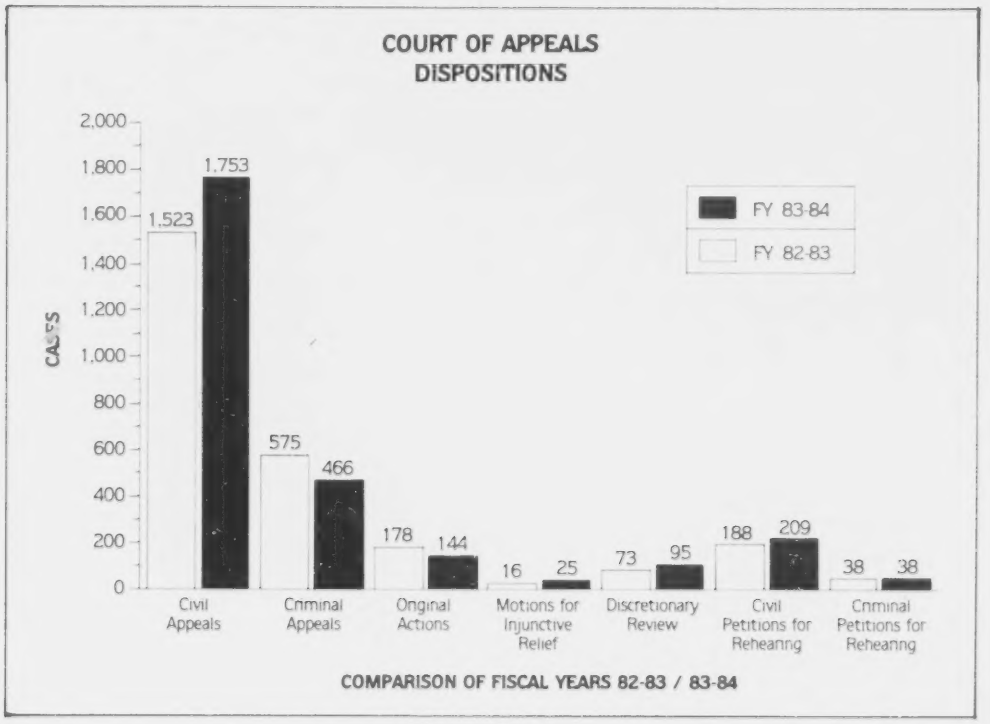


Figure 4


COURT OF APPEALS
FILINGS
2,000
1,500
1,000
500
0
1,852
1,948
711
569
162
135
13
22
75
100
204
202
41
36
FY 83-84
FY 82-83
Civil Appeals
Criminal Appeals
Original Actions
Motions for Injunctive Relief
Discretionary Review
Civil Petitions for Rehearing
Criminal Petitions for Rehearing
COMPARISON OF FISCAL YEARS 82-83 / 83-84


COURT OF APPEALS
DISPOSITIONS
CASES
2,000
1,800
1,600
1,400
1,200
1,000
800
600
400
200
0
1,523
1,753
575
466
178
144
16
25
73
95
188
209
38
38
FY 83-84
FY 82-83
Civil Appeals
Criminal Appeals
Original Actions
Motions for Injunctive Relief
Discretionary Review
Civil Petitions for Rehearing
Criminal Petitions for Rehearing
COMPARISON OF FISCAL YEARS 82-83 / 83-84

Court of Appeals it continues as a "discretionary review" case until it is disposed. If such a motion is granted in the Supreme Court, it is considered disposed and is refiled as an appeal. Despite this difference, the Court of Appeals and Supreme Court do have a common denominator in the original motion for discretionary review.

Original actions continue to comprise approximately 5% of the court's caseload -- despite a moderate decline averaging 15% a year since FY 1982. In FY 1984, 135 filings and 144 disposition were reported. In FY 1984, the filing and disposition of motions for injunctive relief appeared to reflect the election year level with a rise to 22 filings and 25 dispositions.

Civil and criminal petitions for rehearing stabilized between FY 1983 and FY 1984. This leveling most likely reflects the change in rules, mentioned in the Supreme Court section, that permit attorneys to file for discretionary review with the Supreme Court rather than file for rehearing with the Court of Appeals. Civil and criminal petitions for rehearing amounted to 202 and 36, respectively, in FY 1984; disposition of these matters totalled 209 and 38, respectively.

Trial Court Statistics

The Circuit Courts

Figures 5 and 6 provide a general overview of the past trends and current status of the total circuit court caseload. As Figure 5 illustrates, the number of new case filings rose steadily between FY 1978-79 and 1981-82, then dropped 6.5% in FY 1982-83 primarily because of the shift in jurisdiction of hospitalization/ disability cases to district court, and have remained stable in FY 1983-84. During the past year, 79,964 filings were reported which represented not quite a 1% increase. As in past years, dispositions closely follow the trend of filings. Thus, in this fiscal year, 81,041 dispositions were recorded for a .1% increase.

Once again, the clearance ratio, i.e., the number of **new** cases divided by the number of dispositions, was greater than 100%, i.e., 101%. This high ratio represents a lowering of backlog as judges purge "old" or nonprogressing cases from their dockets.

Figure 6 utilizes bar charts to compare FY 1983-84 new case filings and FY 1983-84 dispositions by case type to FY 1982-83 filings and dispositions by case type. These bars show how circuit court filings and dispositions have stablized for the state as a whole.

It is evident from bar graphs that domestic relations cases constitute the bulk of the circuit caseload. For the past four years, domestic relations cases averaged 43% of the state's total filings. This category consists primarily of original divorce cases.

Figure 5
CIRCUIT COURT CASELOAD

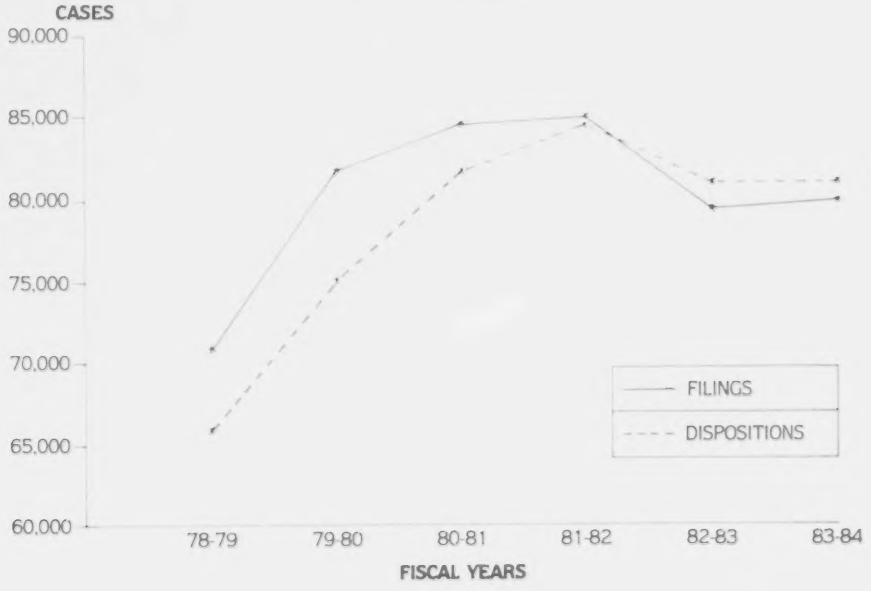
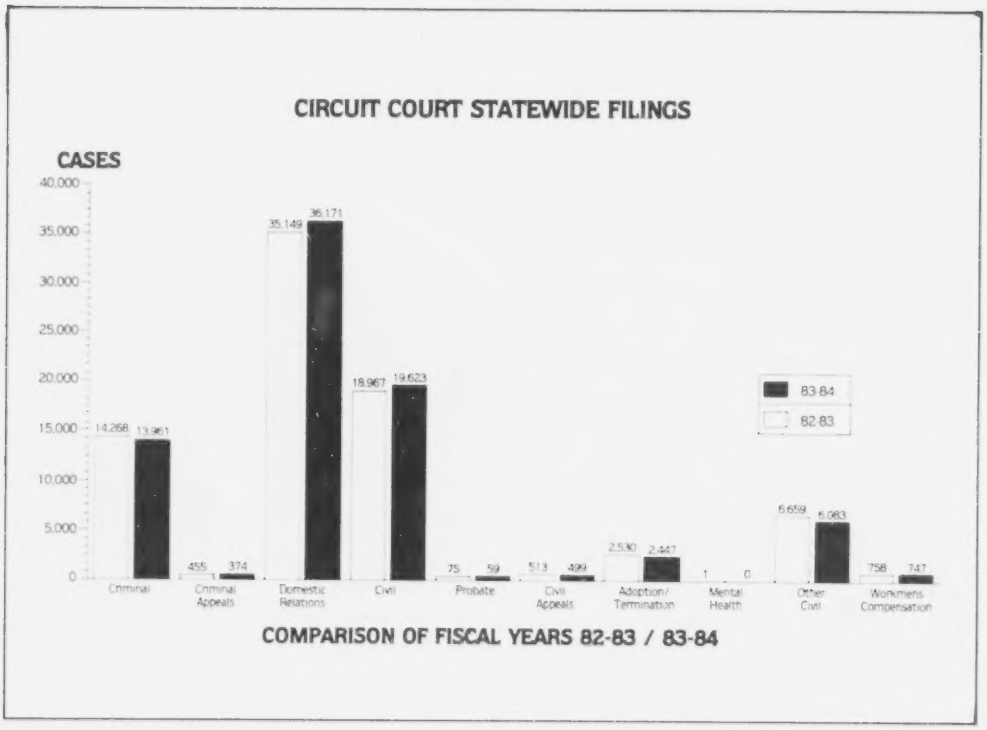
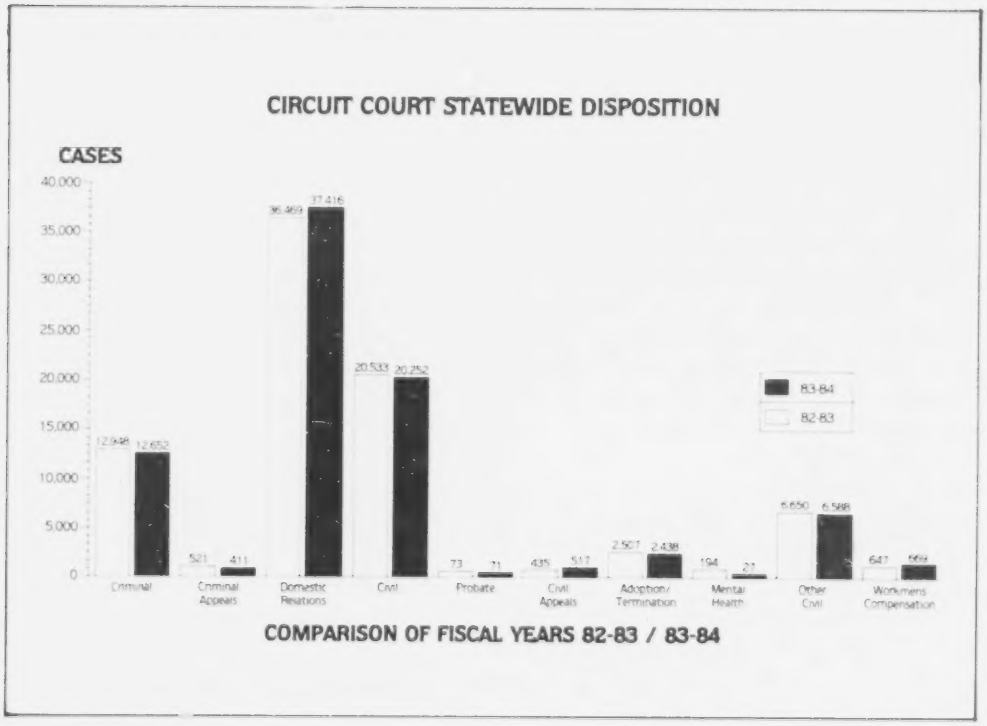


Figure 6


CIRCUIT COURT STATEWIDE FILINGS
CASES
40,000
35,000
30,000
25,000
20,000
15,000
10,000
5,000
0
14,268
13,961
455
374
35,149
36,171
18,967
19,623
75
59
513
499
2,530
2,447
1
0
6,659
6,063
758
747
Criminal
Criminal Appeals
Domestic Relations
Civil
Probate
Civil Appeals
Adoption/ Termination
Mental Health
Other Civil
Workmens Compensation
83-84
82-83
COMPARISON OF FISCAL YEARS 82-83 / 83-84


CIRCUIT COURT STATEWIDE DISPOSITION
CASES
40,000
35,000
30,000
25,000
20,000
15,000
10,000
5,000
0
12,938
12,652
521
411
36,469
37,416
20,533
20,252
73
71
435
517
2,507
2,438
194
91
6,650
6,588
647
669
Criminal
Criminal Appeals
Domestic Relations
Civil
Probate
Civil Appeals
Adoption/ Termination
Mental Health
Other Civil
Workmens Compensation
83-84
82-83
COMPARISON OF FISCAL YEARS 82-83 / 83-84

but also includes post-divorce hearings on matters pertaining to custody, support, and visitation. Information gathered through sampling suggests that approximately 20% of the domestic relations caseload involves reopened cases. In FY 1983-84, the domestic relations filings level increased slightly, up 3% to 36,171, as did the disposition of these matters, up 2% to 37,410. As can be seen, FY 1983-84 dispositions exceeded filings.

The case category with the second highest number of filings involved civil suits. There were 19,623 circuit civil filings during FY 1983-84 which constituted 24% of the total circuit caseload. This category experienced a 3.5% increase. Dispositions decreased slightly but still exceeded filings as they have in the past several years; 20,252 civil cases were closed.

Because these two categories-domestic relations and civil suits-compose slightly more than two-thirds of the total, changes in these categories directly affect the circuit total. The moderate decline in filings, and dispositions of "other" civil matters plus a decrease in felonies mitigated any substantial increase overall.

Criminal case filings comprised 18% of the total filings in FY 1983-84. Criminal filings declined slightly as did dispositions. Both were down by approximately 300 cases. The new filing level of 13,961 and disposition level of 12,652, probably reflects the stabilization of felony filings in district court.

Cases categorized as "other civil" suits constituted the fourth largest category of cases in circuit court. These cases include appeals from zoning and other administrative boards, tax appeal cases, uniform reciprocal support cases, Department of Revenue and Commonwealth initiated suits, cases involving injunctive relief, etc. For the past four years, these suits totalled 8% of circuit court filings; 6,083 being reported in FY 1983-84. "Other civil suits" continue to register a modest decline, i.e., 9% in FY 1983-84. Dispositions remained essentially the same at 6,588.

The remaining five categories represent a small proportion, 3% or less, of the total caseload in circuit court. As a result, the changes in most of these categories have little effect on the overall caseload trends in circuit court. For example, criminal district court appeals continued a downward trend, going from 455 to 374 filings. Dispositions followed, dropping from 521 to 411. Similarly, a decrease of 21% or 16 probate filings which amounted to 59 or its 3% decline to 71 in dispositions has no overall impact. Another low volume category is civil district court appeals. Civil appeals remained virtually unchanged with 499 filings; dispositions increased by 19% or 82 cases and reached 517.

In FY 1982-83, workers' compensation cases reached the highest level ever reported at 758, but in FY 1983-84 declined slightly or 2% to 747. Dispositions, however, continued to increase and 699 were closed. Adoption/termination case filings and dispositions decreased slightly, 3% respectively. This fiscal year, 2,447 filings and 2,438 dispositions were reported.

The data above deals with circuit caseload on a statewide basis. The following segment provides information on caseload volume within the state. Tables 9 and 10 list, respectively, the judicial circuits in rank order of total case filings per judge and dispositions per judge for FY 1983-84. Per judge figures are calculated by dividing the total caseload in a jurisdiction by the number of judges presiding there. Also included in each of these tables are the counties within each circuit, the comparable per judge caseload data and ranks for FY 1982-83, and the number of judges in the circuit and its region number.

Table 9 shows that filings per judge in FY 1983-84 ranked from 1,391 in Judicial Circuit 34, to 477 in Judicial Circuit 52. The median level of circuit caseload filings is 870 filings per judge which is up slightly from the FY 1982-83 median of 836. In Table 10, dispositions per judge in FY 1983-84 are found to range between 1,728 in the 31st Judicial Circuit, to 519 in Circuit 18. The median level of dispositions was 851 which is down from 859 per judge in FY 1982-83. As mentioned earlier, a clearing of dockets has resulted in many "old," nonprogressing cases being disposed across the state. Hundreds of such cases have been handled in the Mountain Region, such as the 31st Circuit, and across the state. Accordingly, the disposition figures in these courts rose beyond the level of previous years.

Table 9

FISCAL YEAR 1983-84 RANKED TOTAL CIRCUIT COURT CASE FILINGS PER JUDGE

83-84 RANK	83-84 FILINGS PER JUDGE	JUDICIAL CIRCUIT	COUNTIES				82-83 FILINGS PER JUDGE NO.	82-83 FILINGS PER JUDGE RANK	NO. OF JUDGES	CIRC. REGION NO.
1	1391	# 34	McCREARY	WHITLEY			1277	(1)	1	3
2	1343	# 51	HENDERSON				1167	(7)	1	1
3	1209 **	# 28	PULASKI	ROCKCASTLE			1173	(5)	1	3
4	1133	# 11	GREEN	MARION	TAYLOR	WASHINGTON	1187	(3)	1	3
5	1119 **	# 14	BOURBON	SCOTT	WOODFORD		1165	(9)	1	5
6	1116 **	# 35	PIKE				1154	(10)	2	7
7	1106	# 22	FAYETTE				1168	(6)	6	8
8	1094	# 21	BATH	MENIFEE	MONTGOMERY	ROWAN	1074	(11)	1	7
9	1076	# 41	CLAY	JACKSON	LESLIE		1206	(2)	1	3
10	1068 **	# 54	BOONE	GALLATIN			1177	(4)	1	6
11	1062 **	# 48	FRANKLIN				796	(35)	2	5
12	1055	# 26	HARLAN				1037	(14)	1	3
13	1044	# 43	BARREN	METCALFE			773	(39)	1	2
14	1042 **	# 42	CALLOWAY	MARSHALL			977	(16)	1	1
15	1024 **	# 20	GREENUP	LEWIS			952	(18)	1	7
16	1015 **	# 13	GARRARD	JESSAMINE	LINCOLN		1038	(13)	1	5
17	990 **	# 31	FLOYD				1166	(8)	1	7
18	965	# 38	BUTLER	EDMONSON	HANCOCK	OHIO	892	(22)	1	2
19	958	# 29	ADAIR	CASEY	CUMBERLAND	MONROE	880	(23)	1	3
20	950	# 10	HART	LARUE	NELSON		910	(20)	1	2
21	948	# 12	HENRY	OLDHAM	TRIMBLE		962	(17)	1	6
22	933 **	# 8	WARREN				979	(15)	2	2
23	924	# 56	CALDWELL	LIVINGSTON	LYON	TRIGG	922	(19)	1	1
24	912 **	# 6	DAVIESS				1038	(12)	2	2
25	884 **	# 30	JEFFERSON				839	(28)	16	4
26	881 **	# 50	BOYLE	MERCER			877	(24)	1	5
27	872	# 40	CLINTON	RUSSELL	WAYNE		910	(21)	1	3
28	871 **	# 4	HOPKINS				862	(26)	1	1
29	870 **	# 32	BOYD				824	(30)	2	7
30	855 **	# 25	CLARK	MADISON			847	(27)	2	5
31	831	# 7	LOGAN	TODD			778	(38)	1	1
32	824 **	# 17	CAMPBELL				864	(25)	2	6
33	823	# 39	BREATHITT	POWELL	WOLFE		820	(33)	1	7
34	820	# 9	HARDIN				807	(34)	2	2
35	803	# 53	ANDERSON	SHELBY	SPENCER		821	(32)	1	6
36	798 **	# 27	KNOX	LAUREL			789	(36)	2	3
37	796	# 5	CRITTENDEN	UNION	WEBSTER		748	(41)	1	1
38	793	# 36	KNOTT	MAGOFFIN			786	(37)	1	7
39	790	# 45	MCLEAN	MUHLENBERG			833	(29)	1	1
40	782	# 46	BRECKINRIDGE	GRAYSON	MEADE		741	(42)	1	2
41	781	# 55	BULLITT				738	(43)	1	4
42	767	# 15	CARROLL	GRANT	OWEN		756	(40)	1	6
43	735 **	# 37	CARTER	ELLIOTT	MORGAN		824	(31)	1	7
44	715	# 33	PERRY				673	(48)	1	7
45	696	# 24	JOHNSON	LAWRENCE	MARTIN		665	(49)	2	7
46	690	# 44	BELL				732	(45)	1	3
47	686	# 16	KENTON				715	(47)	4	6
48	654	# 1	BALLARD				600	(52)	1	1
49	623 **	# 2	McCRACKEN	CARLISLE	FULTON	HICKMAN	800	(53)	2	1
50	622	# 47	LETCHER				719	(46)	1	7
51	595 **	# 19	BRACKEN				629	(51)	1	6
52	580	# 23	ESTILL	FLEMING	MASON		732	(44)	1	5
53	558	# 3	CHRISTIAN	LEE	OWESLEY		642	(50)	2	1
54	547	# 49	ALLEN				570	(54)	1	2
55	528	# 18	HARRISON	SIMPSON			511	(55)	1	6
56	477	# 52	GRAVES	NICHOLAS	PENDLETON	ROBERTSON	468	(56)	1	1

MEDIAN PER-JUDGE FILINGS = 870

STATEWIDE MEAN (AVERAGE) = 878

** THIS CIRCUIT UTILIZES A SPECIAL "DOMESTIC RELATIONS COMMISSIONER." THE PARTICULAR JURISDICTIONS AND CASELOADS OF THESE COMMISSIONERS VARY CONSIDERABLY IN DIFFERENT CIRCUITS, AND SOMETIMES IN DIFFERENT COUNTIES WITHIN A SINGLE CIRCUIT.

Table 10

FISCAL YEAR 1983-84 RANKED TOTAL CIRCUIT COURT CASE DISPOSITIONS PER JUDGE

83-84 RANK	83-84 DISPOSITIONS PER JUDGE	JUDICIAL CIRCUIT	COUNTIES				82-83 DISPOSITIONS PER JUDGE NO.	82-83 DISPOSITIONS PER JUDGE RANK	NO. OF JUDGES	CIRC. REGION NO.
1	1728 **	# 31	FLOYD				1355	(2)	1	7
2	1459	# 29	ADAIR	CASEY	CUMBERLAND	MONROE	679	(46)	1	3
3	1335	# 34	McCREARY	WHITLEY			1341	(3)	1	3
4	1219	# 51	HENDERSON				1170	(8)	1	1
5	1190 **	# 28	PULASKI	ROCKCASTLE			1186	(7)	1	3
6	1120	# 22	FAYETTE				1237	(5)	6	8
7	1088	# 10	HART	LARUE	NELSON		866	(26)	1	2
8	1076 **	# 54	BOONE	GALLATIN			1312	(4)	1	6
9	1073	# 11	GREEN	MARION	TAYLOR	WASHINGTON	1121	(9)	1	3
10	1055 **	# 35	PIKE				1015	(14)	2	7
11	1055	# 43	BARREN	METCALFE			848	(32)	1	2
12	1018	# 40	CLINTON	RUSSELL	WAYNE		859	(29)	1	3
13	1015 **	# 14	BOURBON	SCOTT	WOODFORD		1118	(10)	1	5
14	1015 **	# 42	CALLOWAY	MARSHALL			1221	(6)	1	1
15	1008 **	# 6	DAVIESS				1053	(12)	2	2
16	989	# 38	BUTLER	EDMONSON	HANCOCK	OHIO	1076	(11)	1	2
17	963	# 9	HARDIN				996	(17)	2	2
18	954	# 5	CRITTENDEN	UNION	WEBSTER		681	(45)	1	1
19	943	# 26	HARLAN				797	(35)	1	3
20	942	# 52	GRAVES				486	(56)	1	1
21	936 **	# 8	WARREN				1013	(15)	2	2
22	936	# 12	HENRY	OLDHAM	TRIMBLE		916	(25)	1	6
23	936 **	# 30	JEFFERSON				832	(33)	16	4
24	928 **	# 17	CAMPBELL				940	(21)	2	6
25	922 **	# 13	GARRARD	JESSAMINE	LINCOLN		961	(20)	1	5
26	906	# 36	KNOTT	MAGOFFIN			555	(53)	1	7
27	897	# 21	BATH	MENIFEE	MONTGOMERY	ROWAN	860	(28)	1	7
28	852	# 15	CARROLL	GRANT	OWEN		642	(50)	1	6
29	850	# 55	BULLITT				703	(43)	1	4
30	844 **	# 4	HOPKINS				966	(18)	1	1
31	830 **	# 27	KNOX	LAUREL			848	(31)	2	3
32	826 **	# 50	BOYLE	MERCER			918	(24)	1	5
33	806	# 33	PERRY				712	(41)	1	7
34	805	# 46	BRECKINRIDGE	GRAYSON	MEADE		759	(37)	1	2
35	798	# 56	CALDWELL	LIVINGSTON	LYON	TRIGG	921	(23)	1	1
35	786	# 41	CLAY	JACKSON	LESLIE		998	(16)	1	3
36	785	# 7	LOGAN	TODD			924	(22)	1	1
38	773 **	# 32	BOYD				966	(19)	2	7
39	759 **	# 48	FRANKLIN				663	(48)	2	5
40	753 **	# 25	CLARK	MADISON			1037	(13)	2	5
41	740	# 53	ANDERSON	SHELBY	SPENCER		668	(47)	1	6
42	729	# 1	BALLARD	CARLISLE	FULTON	HICKMAN	559	(52)	1	1
43	717	# 45	McLEAN	MUHLENBERG			814	(34)	1	1
44	691 **	# 20	GREENUP	LEWIS			709	(42)	1	7
45	675	# 16	KENTON				735	(39)	4	6
46	672	# 23	ESTILL	LEE	OWSLEY		764	(36)	1	5
47	670	# 47	LETCHER				615	(51)	1	7
48	644	# 3	CHRISTIAN				687	(44)	2	1
49	633 **	# 37	CARTER	ELLIOTT	MORGAN		866	(27)	1	7
50	632	# 39	BREATHITT	POWELL	WOLFE		1360	(1)	1	7
51	622	# 44	BELL				742	(38)	1	3
52	614 **	# 2	McCRACKEN				714	(40)	2	1
53	614	# 49	ALLEN	SIMPSON			510	(54)	1	2
54	609 **	# 19	BRACKEN	FLEMING	MASON		659	(49)	1	6
55	570	# 24	JOHNSON	LAWRENCE	MARTIN		849	(30)	2	7
56	519	# 18	HARRISON	NICHOLAS	PENDLETON	ROBERTSON	507	(55)	1	6

MEDIAN PER-JUDGE DISPOSITIONS = 851

STATEWIDE MEAN (AVERAGE) = 890

** THIS CIRCUIT UTILIZES A SPECIAL "DOMESTIC RELATIONS COMMISSIONER". THE PARTICULAR JURISDICTIONS AND CASELOADS OF THESE COMMISSIONERS VARY CONSIDERABLY IN DIFFERENT CIRCUITS, AND SOMETIMES IN DIFFERENT COUNTIES WITHIN A SINGLE CIRCUIT.

An examination of the caseload information in these tables reveals that the level of caseload filed and disposed varies and reflects the diversity in court environments across the state. Jurisdictions differ by the number of counties and judges in the circuits, the amount of travel required, the availability of support staff and facilities as well as community characteristics such as population growth and jail and social service facilities. When comparing the rank ordering of circuit or district court, dispositions are subject to greater variation over time than are filings, both in number of cases and rankings. Disposition figures can change radically from year to year particulary when a judge calls the docket and disposes of a large number of unenhanced cases on a single order. The "purge" of backlogged cases has occurred in several jurisdictions during this year. In contrast, case filings per judge do not depend upon any actions of the court, but rather the characteristics of the community and law enforcement, which tend to change more slowly. Therefore, it must be remembered that while the caseload information in Table 9 and 10 is a useful tool for comparing workload, it is not the sole indicator of time and effort expended by the judge.

To better reflect the work demands on the circuit courts, a caseload "weighting" procedure has been developed. A description of this project and the results are presented elsewhere in this report. The application of case weights to the "raw" case dispositions better indicate which circuits have been involved in the more time-consuming case activities, such as jury and court trials. For this reason, the per judge weighted caseload ranking is considered particularly important in determining circuits under undesirable workload pressures.

In summary, case filing and handling activity in the circuit courts has remained stable during the past fiscal year. Specifically, filings and dispositions rose by less than 1%, registering 79,964 and 81,041, respectively. It is obvious from this disposition figure, however, that the courts are working to remove their older, pending cases from the docket. Whether this stabilization will remain has yet to be established. In any case, this trend does permit the courts the opportunity to direct their attention toward maintaining the most current docket possible.

The District Courts

The district court historical line graph, Figure 7, illustrates that a slight rise in filings occurred in the past year, i.e., 2.2% to 642,664. Dispositions, however, evidenced a more marked increase, i.e., 8.0%, to an all-time high level of 645,156. The overall increases in filings is linked to a sizable jump in the traffic category. Concerning dispositions, large docket clearances apparently occurred in some of Kentucky's highest caseload courts in the past year. Fayette County's disposition figures are particularly notable as are those of Pike and Franklin Counties; total cases handled and disposed in FY 1983-84 in these courts were reported to be 87,735, 23,255, and 9698, respectively. Thus, while both filings and dispositions rose, dispositions exceeded filings by approximately 2500 cases or .4%.

Figure 7
DISTRICT COURT CASELOAD

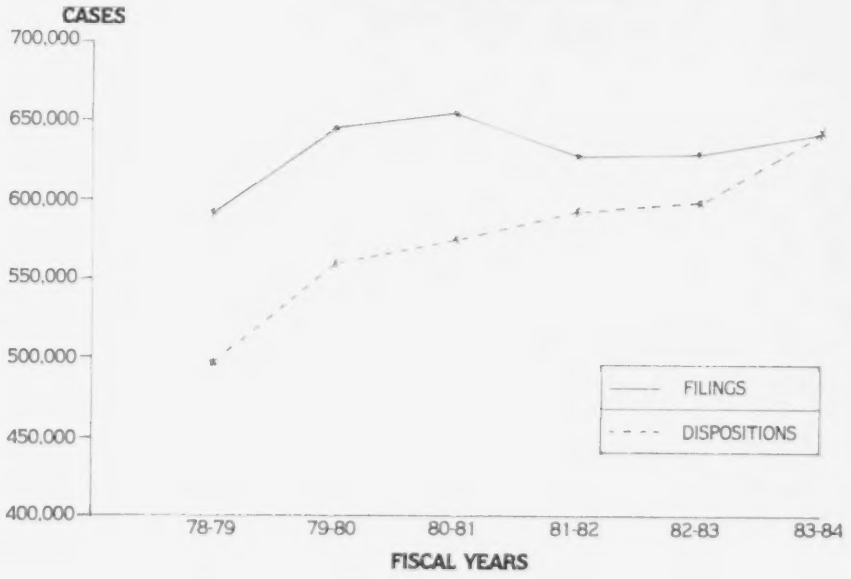
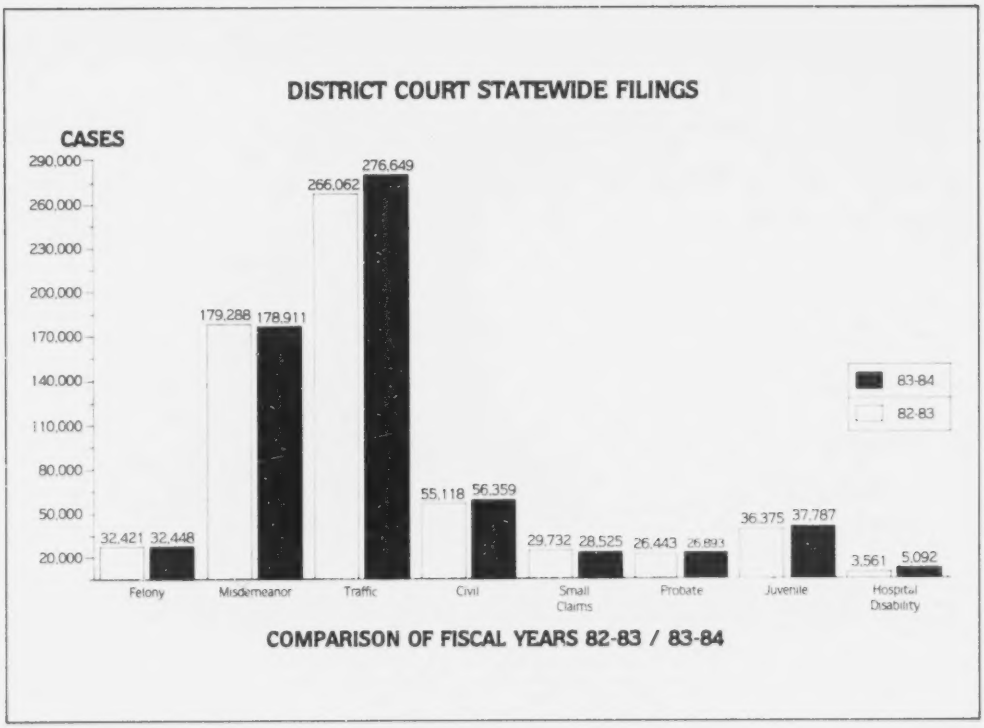
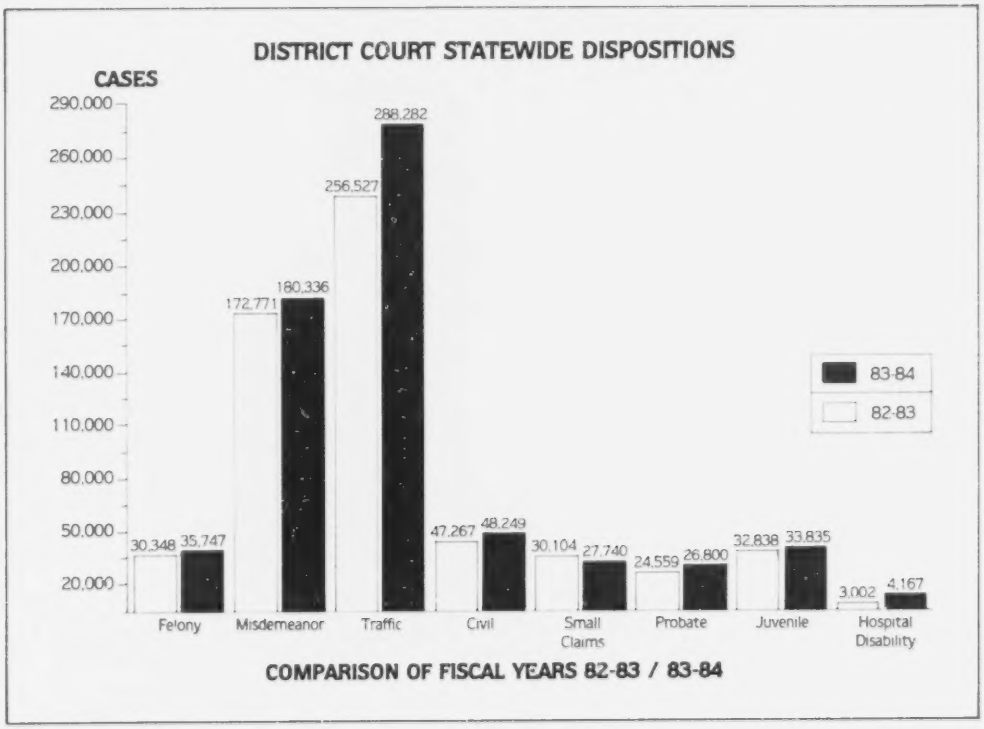


Figure 8


DISTRICT COURT STATEWIDE FILINGS
CASES
290,000
260,000
230,000
200,000
170,000
140,000
110,000
80,000
50,000
20,000
32,421
32,448
179,288
178,911
266,062
276,649
55,118
56,359
29,732
28,525
26,443
26,893
36,375
37,787
3,561
5,092
Felony
Misdemeanor
Traffic
Civil
Small Claims
Probate
Juvenile
Hospital Disability
83-84
82-83
COMPARISON OF FISCAL YEARS 82-83 / 83-84


DISTRICT COURT STATEWIDE DISPOSITIONS
CASES
290,000
260,000
230,000
200,000
170,000
140,000
110,000
80,000
50,000
20,000
30,348
35,747
172,771
180,336
256,527
288,282
47,267
48,249
30,104
27,740
24,559
26,800
32,838
33,835
3,002
4,167
Felony
Misdemeanor
Traffic
Civil
Small Claims
Probate
Juvenile
Hospital Disability
83-84
82-83
COMPARISON OF FISCAL YEARS 82-83 / 83-84

In FY 1983-84, eight different categories of cases were handled in district court. Traffic cases with 276,649 filings constituted 43% of the district courts' total volume, misdemeanor cases comprised 28%, and felony filings represented five percent of total. Altogether then, three-fourths of all matters brought to the district court involve public offenses.

Since hitting a low point in FY 1981-82, the volume of traffic cases has risen for the past two years by .5% and then 4.0% in FY 1983-84. The lower level of traffic cases appears linked to the increased demand for wider police agency enforcement in other areas of law while these agencies continue to operate on austere budgets. But, in contrast to previous years, there were a number of counties, 66 specifically, that registered some type of increase in traffic filings; and 28 with a rate of increase over 15%. While traffic disposition increases were not so widespread, the docket clearances in Fayette and Pike were so substantial that the state's overall total increased by 12%.

Statewide, misdemeanor filings decreased once again, but only .2%, to 178,911. This change reflects that a drop occurred in 86 counties. The statewide total did not change more because both Jefferson and Fayette Counties countered the rest of the state with sizable gains of 28% and 20% to 38,465 and 15,549 filings respectively. Likewise, the major gains in dispositions in these two urban districts and other areas, such as Pike County, mitigated the rest of the state's decline.

Felony filings and dispositions, as in all previous years, increased. The felony filing volume was 32,448 and the rate of increase was slight, i.e., less than 1%. In contrast, dispositions increased markedly, reaching 35,747 which is an 18% increase. Disposition levels of felonies were particulary high in Jefferson, Fayette, McCracken and Pike Counties.

It is interesting to note the relative changes in the civil suits and small claims categories. Civil cases continue to constitute 9% of the total district court volume. In the past two years, filings have increased only 3% and now are at a level of 56,359. Until FY 1982-83, small claims had generally increased at a higher rate than civil suits or, as in FY 1981-82, decreased at a much lower rate. However, in the past years, small claims filings fell 14% and 4%, respectively. The filing level is now 28,525 and dispositions are 27,740. Further, between FY 1982-83 and FY 1983-84, the proportion of small claims of the total civil suits dropped from 39% to 33.6%.

The probate and juvenile case categories average 4% and 6% of the district court caseload. Both categories increased somewhat in the past fiscal year. Probate filing and dispositions registered 26,893 and 26,700, respectively. Juvenile filings were 37,787 and dispositions were reported at 33,835.

Hospitalization and disability cases, transferred to district court jurisdiction in FY 1982-83, constitute the smallest portion of matters in the district court, i.e., less than 1%. This category includes disability proceedings, commitment hearings, and the appointment of guardians for those determined "disabled." Filings during FY 1983-84 reached 5092 and 4167 were disposed; this represents a substantial increase over FY 1982-83 but FY 1983-84 represented the first full year of operation in the district court.

Table 11

FISCAL YEAR 1983-84 RANKED TOTAL DISTRICT COURT

CASE FILINGS PER JUDGE

83-84 RANK	83-84 FILINGS PER JUDGE	JUDICIAL DISTRICT	COUNTIES				82-83 FILINGS PER JUDGE NO	82-83 FILINGS PER JUDGE RANK	NO. OF JUDGES	NO. OF TRIAL COMM
1	10326	# 22	FAYETTE				9384	(1)	6	0
2	9578	# 26	HARLAN				8254	(2)	1	2
3	7736	# 30	JEFFERSON				7296	(3)	23	0
4	7451	# 31	FLOYD				6728	(6)	1	2
5	7023	# 8	WARREN				7129	(4)	2	0
6	6888	# 33	PERRY				7129	(5)	1	1
7	6830	# 35	PIKE				6156	(9)	2	3
8	6401	# 44	BELL				6547	(7)	1	0
9	6152	# 27	KNOX	LAUREL			5435	(14)	2	2
10	6014	# 42	CALLOWAY	MARSHALL			5770	(11)	1	1
11	5986	# 25	CLARK	MADISON			5970	(10)	1	0
12	5752	# 51	HENDERSON				5627	(12)	2	0
13	5684	# 36	KNOTT	MAGOFFIN			6536	(8)	1	2
14	5411	# 2	McCRACKEN				5435	(13)	2	0
15	5410	# 55	BULLITT				5115	(18)	1	0
16	5334	# 39	BREATHITT	POWELL	WOLFE		5420	(15)	1	2
17	5053	# 45	McLEAN	MUHLENBERG			5298	(17)	1	1
18	4839	# 43	BARREN	METCALFE			5100	(20)	1	2
19	4731	# 9	HARDIN				5384	(16)	2	1
20	4639	# 16	KENTON				4386	(30)	4	0
21	4621	# 5	CRITTENDEN	UNION	WEBSTER		5107	(19)	1	3
22	4604	# 7	LOGAN	TODD			4698	(23)	1	1
23	4464	# 37	CARTER	ELLIOTT	MORGAN		4550	(27)	1	3
24	4460	# 11	GREEN	MARION	TAYLOR	WASHINGTON	4231	(34)	2	3
25	4459	# 54	BOONE	GALLATIN			4860	(21)	2	1
26	4410	# 20	GREENUP	LEWIS			4381	(31)	1	2
27	4372	# 21	BATH	MENIFEE	MONTGOMERY	ROWAN	4790	(22)	2	2
28	4335	# 24	JOHNSON	LAWRENCE	MARTIN		4581	(25)	2	1
29	4326	# 48	FRANKLIN				3764	(37)	2	1
30	4305	# 3	CHRISTIAN				4479	(29)	2	0
31	4280	# 14	BOURBON	SCOTT	WOODFORD		4565	(26)	2	2
32	4270	# 19	BRACKEN	FLEMING	MASON		4670	(24)	1	2
33	4173	# 6	DAVIESS				4325	(32)	3	0
34	4087	# 13	GARRARD	JESSAMINE	LINCOLN		3981	(36)	2	1
35	4001	# 47	LETCHER				4503	(28)	1	1
36	3754	# 4	HOPKINS				3994	(35)	2	0
37	3572	# 41	CLAY	JACKSON	LESLIE		3722	(38)	2	1
38	3503	# 17	CAMPBELL				3720	(39)	3	0
39	3391	# 28	PULASKI	ROCKCASTLE			4251	(33)	2	1
40	3350	# 10	HART	LARUE	NELSON		3513	(40)	2	1
41	3284	# 46	BRECKINRIDGE	GRAYSON	MEADE		3175	(47)	2	1
42	3259	# 12	HENRY	OLDHAM	TRIMBLE		3252	(44)	2	1
43	3198	# 40	CLINTON	RUSSELL	WAYNE		3457	(41)	2	1
44	3112	# 34	McCREARY	WHITLEY			3277	(43)	2	1
45	3046	# 49	ALLEN	SIMPSON			2921	(49)	1	1
46	3045	# 15	CARROLL	GRANT	OWEN		3120	(48)	2	1
47	3032	# 52	GRAVES				3441	(42)	1	0
48	3010	# 53	ANDERSON	SHELBY	SPENCER		2796	(51)	2	1
49	2946	# 23	ESTILL	LEE	OWSLEY		3225	(45)	1	2
50	2894	# 50	BOYLE	MERCER			2774	(52)	2	0
51	2880	# 32	BOYD				3202	(46)	2	0
52	2715	# 29	ADAIR	CASEY	CUMBERLAND	MONROE	2807	(50)	2	2
53	2602	# 56	CALDWELL	LIVINGSTON	LYON	TRIGG	2463	(54)	2	2
54	2509	# 1	BALLARD	CARLISLE	FULTON	HICKMAN	2310	(55)	2	2
55	2446	# 38	BUTLER	EDMONSON	HANCOCK	OHIO	2595	(53)	2	3
56	1538	# 18	HARRISON	NICHOLAS	PENDLETON	ROBERTSON	1813	(56)	2	2

MEDIAN PER-JUDGE FILINGS = 4330

STATEWIDE MEAN (AVERAGE) = 5224

Table 12

FISCAL YEAR 1983-84 RANKED TOTAL DISTRICT COURT

CASE DISPOSITIONS PER JUDGE

83-84 RANK	83-84 DISPOSITIONS PER JUDGE	JUDICIAL DISTRICT	COUNTIES				82-83 DISPOSITIONS PER JUDGE		NO. OF JUDGES	NO. OF TRIAL COMM.
							NO.	RANK		
1	14622	# 22	FAYETTE				9082	(1)	6	0
2	11627	# 35	PIKE				5196	(14)	2	3
3	9145	# 26	HARLAN				8259	(2)	1	2
4	7478	# 8	WARREN				7097	(4)	2	0
5	6981	# 30	JEFFERSON				6606	(5)	23	0
6	6841	# 31	FLOYD				5965	(7)	1	2
7	6001	# 51	HENDERSON				5407	(12)	2	0
8	5943	# 44	BELL				6034	(6)	1	0
9	5824	# 33	PERRY				7143	(3)	1	1
10	5689	# 25	CLARK	MADISON			5629	(9)	3	0
11	5633	# 42	CALLOWAY	MARSHALL			5578	(10)	1	1
12	5513	# 55	BULLITT				5193	(15)	1	0
13	5421	# 27	KNOX	LAUREL			4706	(22)	2	2
14	5142	# 2	McCRACKEN				5172	(16)	2	0
15	4969	# 39	BREATHITT	POWELL	WOLFE		5806	(8)	1	2
16	4849	# 48	FRANKLIN				3941	(35)	2	1
17	4778	# 43	BARREN	METCALFE			5126	(18)	1	2
18	4751	# 45	McLEAN	MUHLENBERG			5139	(17)	1	1
19	4647	# 9	HARDIN				5335	(13)	2	1
20	4605	# 36	KNOTT	MAGOFFIN			5520	(11)	1	2
21	4532	# 24	JOHNSON	LAWRENCE	MARTIN		4739	(21)	2	1
22	4492	# 16	KENTON				4267	(30)	4	0
23	4481	# 54	BOONE	CALLATIN			5028	(19)	2	1
24	4374	# 37	CARTER	ELLIOTT	MORGAN		4399	(27)	1	3
25	4349	# 11	GREEN	MARION	TAYLOR	WASHINGTON	4244	(31)	2	3
26	4348	# 19	BRACKEN	FLEMING	MASON		4562	(23)	1	2
27	4331	# 5	CRITTENDEN	UNION	WEBSTER		4774	(20)	1	3
28	4239	# 3	CHRISTIAN				4443	(26)	2	0
29	4197	# 7	LOGAN	TODD			4040	(33)	1	1
30	4121	# 6	DAVIESS				4270	(29)	3	0
31	4009	# 21	BATH	MENIFEE	MONTGOMERY	ROWAN	4444	(25)	2	2
32	3983	# 47	LETCHER				4494	(24)	1	1
33	3977	# 14	BOURBON	SCOTT	WOODFORD		4308	(28)	2	2
34	3906	# 13	GARRARD	JESSAMINE	LINCOLN		3857	(36)	2	1
34	3867	# 20	GREENUP	LEWIS			3826	(37)	1	2
36	3579	# 4	HOPKINS				4109	(32)	2	0
37	3404	# 17	CAMPBELL				3736	(38)	3	0
38	3351	# 10	HART	LARUE	NELSON		3514	(39)	2	1
39	3287	# 12	HENRY	OLDHAM	TRIMBLE		3356	(41)	2	1
40	3222	# 28	PULASKI	ROCKCASTLE			4019	(34)	2	1
41	3210	# 46	BRECKINRIDGE	GRAYSON	MEADE		3027	(47)	2	1
42	3132	# 40	CLINTON	RUSSELL	WAYNE		3371	(40)	2	1
43	3130	# 52	GRAVES				3223	(44)	1	0
44	3118	# 41	CLAY	JACKSON	LESLIE		3264	(43)	2	1
45	3112	# 34	McCREARY	WHITLEY			3049	(46)	2	1
46	3082	# 15	CARROLL	GRANT	OWEN		3077	(45)	2	1
47	2904	# 53	ANDERSON	SHELBY	SPENCER		2680	(52)	2	1
48	2896	# 49	ALLEN	SIMPSON			3011	(49)	1	1
49	2844	# 50	BOYLE	MERCER			2778	(51)	2	0
50	2820	# 32	BOYD				3278	(42)	2	0
51	2725	# 23	ESTILL	LEE	OWSLEY		3019	(48)	1	2
52	2574	# 56	CALDWELL	LIVINGSTON	LYON	TRIGG	2321	(54)	2	2
53	2535	# 38	BUTLER	EDMONSON	HANCOCK	OHIO	2468	(53)	2	3
54	2392	# 1	BALLARD	CARLISLE	FULTON	HICKMAN	2173	(55)	2	2
55	2365	# 29	ADAIR	CASEY	CUMBERLAND	MONROE	2780	(50)	2	2
56	1497	# 18	HARRISON	NICHOLAS	PENDLETON	ROBERTSON	1747	(56)	2	2

MEDIAN PER-JUDGE DISPOSITIONS = 4218

STATEWIDE MEAN (AVERAGE) = 5245